



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 102<sup>d</sup> CONGRESS, SECOND SESSION

## SENATE—Friday, June 12, 1992

(Legislative day of Thursday, March 26, 1992)

The Senate met at 11:32 a.m. on the expiration of the recess, and was called to order by the Honorable GEORGE J. MITCHELL, a Senator from the State of Maine.

### PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

*O Lord, thou hast searched me, and known me. Thou knowest my downsitting and mine uprising, thou understandest my thought afar off. Thou compassest my path and my lying down, and art acquainted with all my ways.—Psalm 139:1-3.*

Eternal God, as the Senate recesses and the Senators disperse to their homes, their States, their scattered responsibilities, may they go in the confidence that You are with them; that You are before them and behind them; over, under, and around them. For those who journey, grant them safe passage. Help them take time for their families and for their own personal rest and restoration. Make them conscious of Your constant love and care.

In His name who is incarnate love. Amen.

### APPOINTMENT OF ACTING PRESIDING PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, June 12, 1992.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable J. ROBERT KERREY, a Senator from the State of Nebraska, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

Mr. KERREY thereupon assumed the chair as Acting President pro tempore.

### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

### ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, am I correct in my understanding that the Journal has been approved to date and the time for both leaders reserved for their use later in the day?

The ACTING PRESIDENT pro tempore. The majority leader is correct.

### EXTENSION OF TIME FOR MORNING BUSINESS UNTIL 12:15 P.M.

Mr. MITCHELL. Mr. President, under the previous order there was now to be a period for morning business to extend until 12 noon.

I now ask unanimous consent that period for morning business be extended until 12:15 p.m. today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MITCHELL. I yield the floor.

Mr. DURENBERGER addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Minnesota is recognized.

### MEASURING QUALITY IN MEDICAL CARE

Mr. DURENBERGER. Mr. President, if someone asked you which is the best hospital in this city, do you think you could answer that question with confidence? I might ask, Mr. President, the same question about your home State or your hometown in your home State.

Suppose I were visiting in your home and I was suddenly and seriously ill; could you really do me a favor and refer me to the best hospital in your community, the State of Nebraska, and the city of Omaha? Could you really do any better with your doctors?

Suppose my problem was a crippling pain in a joint muscle, like arthritis. Who is the best rheumatologist in your hometown—I guess that is what they call them—or the best neurologist—that is for a muscle or nervous system ailment—or the best otolaryngologist—what used to be called an eye, ear, nose, and throat doctor, but they took out the “eye” and gave them to the ophthalmologists, and now it is ear, nose, and throat.

I could ask you to recommend a gastroenterologist for my heartburn and a cardiologist for my heart. But I doubt you would know who are the best. Or how reliable are their critical support specialists in radiology, anesthesiology, and pathology.

Yes, Mr. President, we are spending \$821 billion this year to get the best medical care all that money has to offer us. And we do not know who does what best.

So how can we reward the best with our business? If we cannot tell a Kirby Puckett—to use the best in baseball—from a player like Bob Uecker, how will we know where to go, which games to watch? Or—in most cases—what to pay for a ticket.

Kirby Puckett will end up getting \$6 million a year and a player like Uecker a lot less. But that is not how medical care needs to work. Quality does not have to cost more.

We do not have to spend \$6 million a year on the best cardiologist in America. We simply need to send her or him—and their colleagues—all our business.

A winning baseball team draws the fans even at \$15 or \$20 a ticket. A loser does not. You get some entertainment value out of both. Sure, you get a good game at many; even some of the losers. But the best always consistently get your business at an appropriate and affordable price. Winners sell out the stadium because we can judge what we want, and we want the best, and we will decide who is the best and what we are going to pay them.

But, not so in medicine. And that is the heart of why we have a nearly 1

• This “bullet” symbol identifies statements or insertions which are not spoken by a member of the Senate on the floor.

trillion a year problem. People have no way of determining how to get value for their health care dollar.

So, now you ask me, Mr. President, how do I answer the questions—if you asked? The fact of the matter is, I really cannot. But we are beginning to learn how, and to learn why. It is important to answer the “who is the best” questions.

We call it medical service values assessment. It is a science or art in its infancy. But crude measures are increasingly available to all of us. The Health Care Financing Administration [HCFA] released its Medicare hospital information report just last Wednesday. HCFA cautions that its report is “not intended as a direct measure of quality of care,” but it is best used to generate questions from consumers rather than make judgments on the quality of care.

Other agencies in Government, including the Agency for Health Care Policy and Research that we created 4 years ago, the majority leader had a major stake in that—is coming to grips with these same questions. Even the joint committee on accreditation of hospitals is giving us some useful information.

Mr. President, the current issue of U.S. News & World Report, the June 15 issue—and I picked it up in an airport newsstand—is entitled “America’s Best Hospitals.” It has made us more aware of what we need to know and what we do not know with their third annual survey of America’s best hospitals. U.S. News & World Report interviewed doctors by regions of the country and came up with a “best” list as some doctors see it. I obviously, rejoice in seeing my home State pride and joy—the Mayo Clinic—right at the top. No matter how you measure quality, whether through HCFA’s analysis of Medicare data or by interviewing doctors, Mayo always ranks on top.

But, Mr. President, I know I have other best hospitals in my State of Minnesota. If the survey were not regional, I would see the University of Minnesota on that list. I would see several of my outstanding community hospitals. But I am not sure which ones.

I see many friends that I visit around the country—at Johns Hopkins, in Baltimore, MD; Anderson, in Houston—places like that. I see them on the list. They are among the best, and I congratulate them. But there are many more. And how do we know them? And, more important, how do we make our medical buyers, that is our health insurers, our HMO’s, our employers, Medicare and Medicaid, send us only to those hospitals and those doctors who do better for a price that we can all afford?

That is the Mayo Clinic’s greatest contribution. It has shown us that quality need not cost more. Because

Mayo does it right the first time. Let me say that again. Mayo does it right the first time. Its costs are 20 percent below the national average. I daresay, if we sent all of our business to the Mayo Clinic, they could be 40 percent below the national average. You really can get higher quality for less.

Physicians for whom I have a great deal of respect tell me time and time again that if America ran a hospital and a doctor system in which the best practices were rewarded with all of our medical purchases, the prices we pay could be reduced by 35 percent nationwide. That is a challenge that every institution and most medical staff and medical clinics should support.

I applaud this year’s “best.” I challenge them all.

Mr. President, I ask unanimous consent to have printed in the RECORD a portion of the June 15, 1992, U.S. News & World Report article referred to.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

#### AMERICA’S BEST HOSPITALS

There’s no way out: Your doctor says you have to be hospitalized, and a second opinion confirms it. But where’s the best place to go? Community hospitals are fine places for having babies and for routine medical matters such as removing tonsils or setting fractures. And many hometown hospitals are going to extraordinary lengths to draw patients, offering cozy amenities that round off those hard-edge hospital corners.

But community hospitals are “primary care” facilities—the first link in the health-care system—and are not equipped to tackle complicated or unusual cases. For a serious problem, say experts, a larger center or major tertiary institution that delivers top-notch specialty care is the place to go, even if you have to travel to get there.

To get the strongest consensus about sources of the best care in the specialties of most concern, U.S. News has for the third year surveyed leading U.S. physicians. More than 1,000 doctors identified the nation’s top hospitals in 16 specialties—including, for the first time, hospital-based geriatrics programs. Displayed on Page 62 in a “best of the best” list of those hospitals that scored high in three or more of the 16 specialties is included.

This special guide to hospital care appears just days before the federal government releases more than 50 volumes of quality-of-care computations for nearly 6,000 U.S. hospitals. The government’s findings this year, however, are—like its four previous efforts—minimally helpful. Prepared by the Health Care Financing Administration, the agency that oversees the Medicare program, the state-by-state report lists the predicted and actual death rates for Medicare recipients in each hospital for nine surgical procedures and eight medical conditions.

But many outstanding institutions treat extremely ill patients, who are more likely to die despite the best care, and government researchers still have not figured out how to factor that in. And pure random variance explains most of the “excess” deaths. Asked in the U.S. News survey whether they find the HCFA report helpful in deciding where to admit or refer patients, 68 percent of physicians responded that it is not at all useful, and an additional 17 percent said they do not know what to make of the data.

#### THE QUALITY MOVEMENT

Nevertheless, the quest for genuine quality-of-care measures has become a full-fledged movement. The American Hospital Association estimates that more than 30 states now have state-mandated health data commissions that collect quality-related information. The twin goals are to help hospitals improve their performance and to point consumers to centers where they are more likely to get the best care. In Pennsylvania, for instance, the state’s Health Care Cost Containment Council is collecting information on hospital charges and patient outcomes—not only to clue patients in but also to help corporations identify centers that efficiently spend their health-care dollars.

The Maryland Hospital Association’s Quality Indicator Project provides an insightful checklist now used by more than 600 medical centers in 46 states. It consists of 10 yardsticks that hospitals—and ultimately consumers—can use to help measure quality. Many are actually signs of a bad hospital, including such factors as the number of times patients have to return unexpectedly to operating rooms and cardiac-care units. Emergency rooms have separate standards, such as the number of patients who have to wait more than six hours for care.

While the information garnered is still too raw to help consumers much, the checklist seems to be pointing medical centers toward problem areas. Last year, for example, Beth Israel Medical Center in New York picked up a higher than expected rate of unplanned readmissions after in-and-out surgery. Beth Israel’s quality-assurance specialists believe that some of the patients might have had bad reactions to anesthesia or have needed more extensive surgery.

The findings from the Maryland-based project will be published at some point in a form—perhaps as quarterly reports—that will let consumers select one hospital over another. But figures on individual hospitals are proprietary for now. And while hospitals can release the information if they want to, they cannot use the findings for marketing purposes—to compare themselves with other institutions, say, as many doubtless would in today’s fierce competition for patients.

Among the quality-care indexes in the offing, some of the potentially most enlightening are being devised by the Joint Commission on Accreditation of Healthcare Organizations, the nonprofit group that accredits hospitals, nursing homes and other clinical facilities. Although possible indicators of quality care are still being judged, the JCAHO has just released a series of brochures suggesting questions patients can ask to scout out quality care. Brochures focusing on hospitals, long-term care, home care, ambulatory care and mental health services are available free to anyone who sends a self-addressed, stamped envelope to “Helping You Choose” Brochures, Customer Service Center, Joint Commission, 1 Renaissance Boulevard, Oakbrook Terrace, IL 60181.

Independent teams of physicians and medical statisticians, too, want to sniff out the factors that identify quality of care, good or bad. Dozens of groups are looking at specific conditions like prostate enlargement and cataracts and identifying treatments that helped patients the most. A startlingly simple concept, the findings are leading to medical guidelines for managing disease. Recently, an American Cancer Society research team reported in the *Journal of the American Medical Association* that they had identified five indicators of high-quality breast cancer

care, including treatment with radiation therapy after breast-conserving lumpectomy in order to minimize the chances that tumors will recur. A separate investigation by a Seattle team found that many centers do not offer radiation therapy, especially to patients over 50.

#### NURSING COUNTS

Some physicians deride checklists and guidelines as mindless "cookbook" medicine, but specialized groups like the American College of Cardiology are pumping out new guidelines almost every other month. And the Agency for Health Care Policy and Research, a fledgling federal body, and the Rand Corp., a policy think tank, have a wide array of guidelines in the works.

Meanwhile, the U.S. News survey reveals what doctors think matters in hospitals around the country right now. The vast majority of doctors ranked quality of nursing care second, behind only the quality of the medical staff (physicians on the hospital payroll) as the chief predictor of capable hospital care—and ahead of state-of-the-art technology, research capabilities and the quality of teaching in institutions affiliated with medical schools, all of which might seem to represent solid-gold indicators.

Apparently not. Indeed, geriatricians think the nursing staff is the most important factor. AIDS specialists rank discharge planning as the third most important indicator of quality, behind medical and nursing staff—higher than in any other specialty. Gynecologists rated ancillary services—a category that sweeps in everyone who provides indirect care, from social workers to radiologists—just behind medical staff. Ophthalmologists think high-tech services are second most important.

To date, the U.S. News survey stands as the sole broad assessment of hospital care. Efforts are underway to add objective measures to the rankings. Even now, though, when you need the best care possible, this is the guide that can best help you find it.

#### THE BEST OF THE BEST

The following hospitals appear on at least three of the 16 specialty lists in the U.S. News survey:

- Johns Hopkins Hospital: 13 specialties.
- Mayo Clinic: 12 specialties.
- Massachusetts General Hospital: 11 specialties.
- UCLA Medical Center: 9 specialties.
- Cleveland Clinic: 5 specialties.
- Duke University Medical Center: 4 specialties.
- Memorial Sloan-Kettering Cancer Center: 4 specialties.
- University of Texas (M.D. Anderson Cancer Center): 4 specialties.
- Stanford University Hospital: 3 specialties.
- University of California, San Francisco Medical Center: 3 specialties.

#### THE HAPPIER THE PATIENTS, THE FEWER THE EMPTY BEDS

(By Steven Findlay)

Hospitals have become hardball marketers over the past decade, hawking themselves in print and television ads as slick as any for cars or fast food. Last year, America's 6,000 hospitals spent \$863 million on advertising, up from \$500 million in 1986, to fill their beds with that prized commodity, the patient with full insurance coverage. They have offered birthing rooms, gourmet food and VIP suites.

But a third of their beds, on average, were still empty in 1990, up from 25 percent in

1980. Now hospitals are taking a step that would be laughably obvious in most other businesses: They are asking patients how satisfied they are and what they care about.

Since 1989, for example, the salaries of top administrators at the 11 hospitals in Texas, Louisiana and California owned and operated by the Sisters of Charity, a Houston-based Catholic group, have been tied directly to patient satisfaction. Between 200 and 300 patients per month at each hospital receive a form that asks 60 questions, such as "Was your room kept clean?" and "Did the nurses explain things to you sufficiently?"

Invariably, the respondents stress caring nurses, so Sisters of Charity is putting new emphasis on training nurses to be emotionally supportive. As for hospitals' notoriously bland cuisine, the group has no plans to go upscale. "We found that most people didn't care about it," says Peggy Scott, a spokesperson for Sisters of Charity. "No gourmet chefs for us."

The concerns of Sisters of Charity's patients are far from unique. In a recent national survey of some 140,000 patients discharged from 225 hospitals, Press, Ganey Associates Inc., a health-research firm in South Bend, Ind., found that the following five factors best relate to patients' satisfaction:

- Concern for privacy.
- How well family is kept informed.
- Sensitivity to the inconvenience of hospitalization.
- Cheerfulness of surroundings.
- Attitude of nurses when called.

Tracking the weight given to nursing generally, other factors that ranked high included nurses' promptness when called and their attentiveness to patients' special needs. The attitude displayed by technicians and admissions clerks was also important.

And it is clear that patients dislike being kept in the dark. Those surveyed said they would be more inclined to recommend a hospital to relatives or friends if doctors and nurses took the trouble to explain why procedures and tests were being done. Overall, the 225 hospitals in the sample did best in nurses' attitudes and competence and scored lowest on general ambience and length of waits to get tests like X-rays. Not surprisingly, patients saw small and medium-sized hospitals as more hospitable than large ones.

Hospital chief executives say they hear the message. "The central focus used to be making sure our doctors were happy," says Robert Condry, director of Loyola University's Foster G. McGaw Hospital outside Chicago. "Now it's trying to meet patients' needs and making the hospitals a warmer place to be." Anyone who has done hospital time would find the change welcome.

#### MAYO MINUS SNOW

Treatment at the vaunted Mayo Clinic, Cleveland Clinic or M. D. Anderson Cancer Center no longer requires a trek to Minnesota or Ohio or Texas. Chasing shifting demographics, these institutions have opened up shop in the Sun Belt, in well-off cities near plenty of potential patients. Mayo launched its first satellite clinic in Jacksonville, Fla., in 1986 and established a second in Scottsdale, Ariz., a year later. In 1988, the Cleveland Clinic opened a Fort Lauderdale facility. And last year M. D. Anderson joined with a local medical center to open the Orlando Cancer Center.

All have thrived. Mayo says its surveys show that patients like its two new locales as much as the headquarters in Rochester, Minn. And all the satellites have added doctors and office space since opening; the Mayo

centers, for example, have gone from a couple of dozen physicians to more than 120 doctors in each new site. That's peanuts compared with the 1,000 in Minnesota but plenty to afford the open consultation between doctors that is the main advantage of clinic-style medicine.

Patients who live nearby like the convenience. Byron Goss Jr., who has terminal cancer, says it would be tough to fly to M. D. Anderson in Houston or to drive several hours to a university center every three months to have specialists perform a delicate procedure to slow the growth of his liver tumor. He makes a 30-minute trip to Orlando instead. "Cancer disrupts your life," says Goss, 48. "Travel would disrupt it so much more." He and others praise the doctors' and nurses' skills, thorough history taking and the feeling that the doctors—who work on salary rather than for fees—don't see them as cash cows.

The clinics have gone to great lengths to reproduce what they offer at their home bases, right down to the fish tanks that grace the waiting rooms of M. D. Anderson's Houston and Orlando centers. Every month, an M. D. Anderson physician comes to Florida for a week to meet with Orlando confreres, and all Orlando doctors spend at least one week a year in Houston. Ninety percent of the physicians at the Jacksonville Mayo Clinic took at least part of their training in Minnesota, and a third of the Fort Lauderdale Cleveland Clinic's doctors moved down from Ohio. All three home bases maintain computer linkups to their satellites so that doctors can send X-rays and other data back and forth for consultation. And patients can enroll in most of the research tests that the mother bases offer. Kids in Orlando, though, have it one up on their Houston counterparts—they can choose between Nintendo and Sega video games in the pediatric department. Houston has only Nintendo.

#### FULL COURSE

Although they have almost everything the back-home doctors do, some big-ticket items are absent. Mayo, for example, has a gamma knife—a multimillion-dollar gamma-ray generator that can destroy diseased tissue deep within the brain without surgery—only in Minnesota. The Fort Lauderdale Cleveland Clinic sends cancer patients to a local facility for radiation therapy. Orlando Cancer Center doctors still consider sending patients with really rare conditions back to Houston. On the other hand, some procedures may be available only in Orlando, such as experimental radioactive implants for brain tumors.

The prospect of big-name clinics and hospitals coming in and trolling for patients doesn't necessarily thrill the local medical community. Fort Lauderdale-area doctors fought an ultimately unsuccessful battle to keep the Cleveland Clinic out, running a full-page newspaper ad and denying hospital privileges to clinic surgeons. Connecticut oncologists last month succeeded in persuading New York City's Memorial Sloan-Kettering Cancer Center to cancel plans for a clinic in Danbury. From a patient's perspective, however, these big-name clinics make very desirable neighbors—or at least alternatives to Minnesota or Ohio or Texas.

Mr. DURENBERGER. Mr. President, do I still have time remaining?

The ACTING PRESIDENT pro tempore. The Senator still has the floor.

## AID TO NICARAGUA

Mr. DURENBERGER. Mr. President, I was fortunate enough last week to be asked to go to Managua, Nicaragua, to represent some of the people in this body at a meeting of the Presidents of the five countries of Central America plus Panama, with Prime Minister George Price, of Belize.

I intend sometime next week to further elaborate on what I observed on that visit, what I learned on that visit. But I did learn that a couple of very critical issues face the people of Nicaragua at the present time.

I must say, as one who has been going there since 1971, who has been dealing with the politics of that country in particular from this body for the last 13 or 14 years, that the stabilization program which this country and this body have had a lot to do with—like \$580 million worth of a stabilization program—has been amazingly successful. It would be a shame to see it slip.

But, as a practical matter, there are a couple of concerns that Americans have expressed via certain Members of this body, and other Members, that deserve attention. It would be a shame to see cuts in that aid take place; a shame to see what is currently a fragile economy potentially collapse. And it is an issue that needs to be dealt with thoughtfully by Members of this body and the other body, and by the administration. I hope that it is dealt with.

Mr. President, I will ask unanimous consent, just to lay a foundation for my comments next week, that a copy of a letter addressed to the Honorable Antonio Lacayo, who is the Minister of the Presidency of the Republic of Nicaragua, from a number of our colleagues on the House side, dated May 12; plus a letter to the Administrator of the Agency for International Development from our hospitalized colleague, JESSE HELMS, dated May 27; and a letter dated May 31, 1992, in response to those letters, from Minister Lacayo, which highlights the efforts that have been made by the Government, highlights some of the progress being made on property claims resolution and on police professionals, and also highlights the desperate need that country has right now for help in securing or buying up all of the remaining arms that had been placed in the hands of civilians between the election and the inauguration of President Chamorro. It was something I witnessed—or participated in, that is—the burning of about 36,000 of these weapons.

I ask unanimous consent that these letters be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

COMMITTEE ON FOREIGN AFFAIRS,  
Washington, DC, May 12, 1992.

Hon. ANTONIO LACAYO,  
Minister of the Presidency, Republic of Nicaragua, Managua, Nicaragua.

DEAR MINISTER LACAYO: We write as Members of Congress with a deep and long-standing concern about your country. We share a common interest in the future of democracy in Nicaragua.

There is a great deal of respect in the U.S. for the tremendous accomplishments of the Chamorro government: the reduction of the armed forces, the permanent end of the civil war, economic reforms including privatization of many entities, and, most important, the restoration of basic freedoms completely absent under the Sandinista regime. As strong supporters of the United Nicaraguan Opposition from its creation, we look upon these accomplishments with respect and with pride.

We are concerned, however, about a number of troubling issues which we believe threaten the future of democracy in Nicaragua. We are particularly concerned over the continued lack of meaningful reform in the national police and in the leadership of the Armed Forces. We know of no other case where a nation's security apparatus is under the de facto control of an opposition political party. The abuses of the security forces include lack of protection for democratic labor unions, little or no action on extrajudicial murders such as those of Enrique Bermudez and Jean Paul Genie, and numerous abuses of authority—especially in areas where contra support was strong. These issues have been well-documented by numerous objective observers such as the State Department's human rights report and the Inter-American Human Rights Commission.

Our concern is that further political, social, and economic development in Nicaragua will continue to be stymied by an undemocratic police force unless the reform issue is addressed with the same forthright spirit your government has addressed restoring basic liberties and economic growth.

We are also concerned about the issue of property rights, which are the foundation of any free market system and a critical measure of a country's investment climate. It is our understanding that many property claims stemming from the Sandinista era remain unresolved. In addition, we are troubled by the continued lack of action to address the blatant confiscation undertaken by Sandinista authorities during the 1990 transition period. We understand that many legal and constitutional issues are raised by efforts to address this issue. Nonetheless, we urge you in the strongest possible terms to commit your government to an equitable and speedy resolution of the property issue.

No one understands better than we the need for reconciliation in Nicaragua; we have great admiration for your efforts to bring all Nicaraguans together in a democratic society. We also understand, however, that the immediate transition period is over and that new policies and personnel are needed to consolidate and strengthen democracy in Nicaragua. Competing demands for U.S. assistance will inevitably place pressure on funds for Nicaragua. While we have no doubt that there will be continued need for U.S. aid, it is imperative that the reform process move ahead in order to create the climate necessary for additional public and private investment in Nicaragua.

We applaud the progress of the Chamorro government in bringing peace, security and

freedom to Nicaragua. As friends of your country, we will continue to support you in advancing these goals. Our intention is not to interfere in the internal politics of Nicaragua. We are motivated by a genuine desire to further institutionalize democracy in your country. We thank you for your consideration of our concerns and look forward to hearing from you in the future.

Sincerely,

Robert J. Lagomarsino, William S. Broomfield, John Rhodes, Bob Stump, Jim Bunning, Porter J. Goss, Dan Burton, Bill Emerson, Jon Kyl, Tom Bliley.

Cass Ballenger, Bob Walker, Bill McCollum, Dana Rohrabacher, Bob Livingston, Bob Dornan, David Dreier, John Kasich, Tom Lewis, Jerry Solomon, Steve Gunderson, Chris Cox, Amo Houghton, Duncan Hunter.

COMMITTEE ON FOREIGN RELATIONS,  
Washington, DC, May 27, 1992.

Hon. RONALD ROSKINS,  
Administrator, Agency for International Development, Washington, DC.

DEAR RON: Earlier today I asked my staff director, Admiral Bud Nance, to convey my opposition to Congressional Notification #294, project number 524-0325 regarding the obligation of \$100,000,000 for Nicaragua. Admiral Nance informs me that he just spoke with your Deputy, Mark Edelman.

On several previous occasions I have expressed my concerns about the Chamorro Government's failure to reverse the Sandinista policies of the past. It is well known that the Chamorro Government has not privatized corporations and other businesses that were seized and nationalized by the Communist Sandinistas. Also, the illegally confiscated private property of more than five thousand Nicaraguan citizens still remains in the hands of the Government. It has come to my attention that Government forces have begun to destroy some of these properties, and that the Chamorro Government continues to confiscate private property.

Of utmost importance to the American taxpayer is the fact that more than 200 American citizens have had their property confiscated and not returned. This makes a mockery of the notification's assertion that "in most respects, the Government of Nicaragua's reform efforts, undertaken in 1991, were spectacularly successful."

Furthermore, Administration witnesses have testified before the Foreign Relations Committee that the Communist Sandinistas continue to control every security, military, intelligence, and law enforcement agency in the country. These agencies have been used to assassinate dozens of former freedom fighters.

Given the fiscal crisis facing this country, and the absence of any base of support for foreign economic assistance among the American people, you and I must work to scrutinize every cent that is spent on these programs. I do not believe that the American taxpayers would support funding for a government that refuses to respect the sanctity of private property for their own and American citizens.

Until I am convinced that there is significant reform in the Chamorro Government I will be compelled to object to the disbursement of these funds.

Sincerely,

JESSE HELMS.

REPUBLIC OF NICARAGUA,  
MINISTRO DE LA PRESIDENCIA,  
May 31, 1992.

Hon. ROBERT J. LAGOMARSINO,  
Hon. WILLIAM S. BROOMFIELD,  
Hon. JOHN RHODES,  
Hon. BOB STUMP,  
Hon. JIM BUNNING,  
Hon. CASS BALLENGER,  
Hon. BOB WALKER,  
Hon. BILL MCCOLLUM,  
Hon. PORTER J. GOSS,  
Hon. DAN BURTON,  
Hon. BILL EMERSON,  
Hon. JON KYL,  
Hon. TOM BLILEY,  
Hon. JOHN KASICH,  
Hon. TOM LEWIS,  
Hon. JERRY SOLOMON,  
Hon. DANA ROHRBACH,  
Hon. BOB LIVINGSTON,  
Hon. BOB DORNAN,  
Hon. DAVID DREIER,  
Hon. STEVE GUNDERSON,  
Hon. CHRIS COX,  
Hon. AMO HOUGHTON,  
Hon. DUNCAN HUNTER,  
*Members of Congress,*  
*Washington, DC.*

DEAR FRIENDS MEMBERS OF CONGRESS: Let me first thank you all for your special interest in the establishment of democracy and economic development in Nicaragua, and for the respect you have for the accomplishments of the Chamorro Government in just two years, as it is reflected in your letter of May 12.

Let me also assure you all that we share your concerns about a number of issues that could impair our common goals in this country, and that we accept your advice with real affection because we know they come from real friends of Nicaragua whose motivations are clean and sincere.

Precisely because we feel that way, your letter has forced me to meditate for several days and to devote this Sunday May 31st, to print on paper my honest reflections. It is my only intention to share with you numerous thoughts about Nicaragua, what we are trying to achieve, the way we are doing it, and why.

We all knew it was not going to be easy. To defeat the FSLN in an electoral process sounded more like utopia than anything else. Never in history had pro-soviet or marxist ruling parties been defeated by the ballot. And in Nicaragua we had never experienced a true change of government as a result of votes. Our history had been quite the opposite.

In "The Capitals of Spanish America", written in 1888 by William Eleroy Curtis, late Commissioner from the United States to the Governments of Central and South America, it says about Nicaragua:

"There is no spot of equal area upon the globe in which so much human blood has been wasted in civil war, or so much wanton destruction committed. Nature has blessed it with wonderful resources, and a few years of peace and industry would make the country prosperous beyond comparison; but so much attention has been paid to politics that little is left for anything else. Scarcely a year has passed without a revolution, and during its sixty-five years of independence the Republic has known more than five times as many rulers as it had during the three centuries it was under the dominion of Spain. It was seldom a question of principle or policy that brought the inhabitants to war, but usually the intrigue of some ambitious man".

That history of war and violence, revolutions and coups, that had been going on for

decades in 1888, continued with Zelaya in 1893, the U.S. Marines in 1912, Sandino in 1927, Somoza in 1936, the Sandinistas in 1979, and almost the Contras during the 80's.

It was not until President Arias presented his Peace Plan in 1987 and until President Bush became President of the United States in 1989 and Secretary Baker pushed in Congress for a bipartisan agreement on Nicaragua, that we began talking about free elections, supervised by the U.N. and the O.A.S. that made real opportunity available for people like Violeta Chamorro.

You all know what happened afterwards. With the valiant help of people like you and many other democrats in the world, the Nicaraguan people voted on February 25, 1990, in a way very few expected. Everybody voted, and the results were accepted by everybody. We had achieved a new Nicaragua, free and democratic, as democrats had fought for. We had taken the first step towards "the formation of a government of national reconciliation, based on the unity of the nation and oriented towards common well-being, and service to the country, above any political interests", as was stated in the UNO governmental platform.

But let us be honest and accept that all of those who were interested in nothing more than changing the sandinista army with the contra army, and Daniel Ortega with someone like Anastasio Somoza, ended up frustrated when they saw no military victory or defeat, and no substitution of one imposed-by-arms President by another imposed-by-arms President.

Democracy could have never been achieved by war, coups, revolutions or counterrevolutions in Nicaragua, as our 168 years of independence had proven so well. But those who have believed in such alternatives, will continue to depict as "co-government" every effort geared to run the country in a new way.

The task of ending 168 years of "civil war and wanton destruction" is not going to be an easy one, and textbook recipes do not exist. But it is even more difficult when, at the same time, President Chamorro has to move her country away from extreme poverty and from an inefficient centralized economy, and from years of confrontation that virtually divided our country in two.

We are, of course, concerned about property claims stemming from the Sandinista era, because the sooner we revise these cases and proceed to restitution or compensation, the better for the economy. It should be crystal clear, though, that as stated in the UNO governmental platform, "the peasants will be guaranteed legitimate ownership of the land they have in possession in virtue of the Sandinista agrarian reform, and shall be granted property titles, without detriment of the right to compensation of the affected owners." In spite of this, we have returned to legitimate owners thousands of acres of cotton, coffee, banana and cattle land that our government inherited as state farms, as well as many industries such as Coca Cola Bottling, Eskimo Dairy, La Perfecta Dairy, Record Plastics, Chipirul Candies, Luna Matresses, Fogelsa Freezers, San Martin Slaughterhouse and Amerrisque Slaughterhouse, etc. We have only 17 cases of property claims made by U.S. citizens duly documented through our Foreign Ministry, which are currently pending of resolution. Our Ambassador in Washington will provide you with further details on these matters.

We are, of course, also concerned about the lack of proper training of our National Police, where one third of their men and women have been already hired after inauguration

day but have no police school at all, and the other two thirds were educated in the middle of the war years, with a heavy dosis of partisan propaganda. It should be also clear, though, that our situation is not the one in El Salvador, where an AID sponsored opinion poll reflected a very high unfavourable opinion of their police force. In Nicaragua, recent polls show that our National Police enjoys a 64-24 favourable-unfavourable opinion, even among UNO sympathizers, which has to be taken very seriously into consideration. Nevertheless, an example of our commitment with this endeavor was the recent appointment of a civilian as head of the Immigration Department, which had been in the hands of the military since 1940.

Property claims resolution and police professionalization are, of course, important issues to Nicaragua, its people and the government, and this will be done. But in the first two years of the Chamorro Government, priorities were others: to stop the war, and to eliminate hyperinflation. And we did stop the war, demobilized the contras, reduced the army by 75 percent, and went from 55,000 percent inflation in our first year of government, to less than zero inflation in our second year.

Now, as we begin our third year, we have new priorities: to begin growing in terms of GNP (after eight years of decline) and to strengthen the rule of law (after 168 years of no rule of law). And it is clear that in order to be successful, we will have to accelerate the professionalization of our police forces and the resolution of property claims, so as to create a good business climate and to attract private and foreign investment. As a former executive and entrepreneur associated with foreign investors, I know how much benefit private foreign investment brings to the economy.

This will in turn generate the badly needed job opportunities that former contras and ex-army officers are looking for, and will no doubt reduce the possibilities of a "social explosion" in Nicaragua.

You can be sure that nobody in Nicaragua wants a social explosion, the way we have seen it lately in Venezuela, Colombia, Los Angeles, or Thailand, or the kind of coups we have seen in Haiti or Peru; but unemployment and empty stomachs are ill advisors.

Despite the fact that we are flooded with arms (supplied by the Soviet and the U.S. governments in the past decade), we don't want to kill each other anymore. The whole episode of "revueltos" last month, was totally resolved with only one Nicaraguan killed, which nobody wanted killed, and in the past two weeks the Police and the Army, under instructions from President Chamorro, have been dislodging "revueltos" elements from 47 farms, including the ones belonging to Mr. Ramiro Gurdian, President of COSEP, and will continue to do so until the rightful owners enjoy their full property rights.

Having been able to collect from civilians (and destroy) 36,000 war arms in the last four months (the equivalent to 2,160,000 in a country of your size in population), proves that nobody wants explosions in Nicaragua.

Be sure it is not true that our "nation's security apparatus is under the de facto control of an opposition political party", as your letter says, neither the army nor the police. That would be similar to affirm that the Spanish army, policy or security apparatus were under the control of franquismo just because many of their leaders continue to be from the Franco era after 17 years of democratic government.

You can also be sure that there is no such thing as "lack of protection for democratic

labor unions" as you also believe. Labor unions grouped in the CPT, backed by the AFL-CIO, have grown in number and strength in the last two years, and sometimes their clashes with the Sandinista FNT labor unions are the result of the speed with which they are trying to regain the terrain lost to the FNT in the last decade.

A government with the armed forces and police firmly in the hands of the nondemocratic opposition, with widespread disorder, economic chaos, selective assassination and with US aid financing Sandinista organizations in an increasing manner, as Jeane Kirkpatrick published in her May 12 article in *The Washington Post*, could have never achieved "the reduction of the armed forces, the permanent end of the civil war, economic reforms including privatization of many entities, and the restoration of basic freedoms", as your letter affirms, and still enjoy the 75-18 favourable-unfavourable opinion that its President, Doña Violeta, has in the last opinion poll, exactly two years after her inauguration.

We will continue to need US aid for many years. Please keep in mind the war lasted many bad years, and "civil war and wanton destruction" was going on even before Mr. Curtis visited us last century. Because we need your help, and because you are motivated by a genuine desire to further institutionalize democracy in Nicaragua, we will address your concerns, that are also ours.

We ask you to address one of our concerns that has not been addressed so far: we need world and U.S. support to buy all arms still in the hands of civilians, estimated at an additional 30,000 (the equivalent to 1,800,000 in a country of your size in population); and we need to avoid delays in the disbursement of previously approved economic aid. Our economic stabilization program has no room for political warfare and could very well collapse if delays materialize. Democratic progress, in that case, would be utopia.

With best regards,

ANTONIO LACAYO,  
Minister of the Presidency,  
Republic of Nicaragua.

#### JACOB WETTERLING CRIMES AGAINST CHILDREN REGISTRATION ACT

Mr. DURENBERGER. Mr. President, few Minnesotans will forget the anguish they felt 3 years ago when Jacob Wetterling was abducted at gunpoint near his home in the peaceful farming community of St. Joseph, MN. I have often marked Jacob's disappearance here on the Senate floor. Despite a national effort to find him, despite the prayers, and the exhaustive efforts of people throughout Minnesota and the Nation, Jacob remains among the hundreds of abducted children nationwide who have not been found.

And now, Mr. President, another Minnesota child has been taken from her family. Five-year-old Corrine Erstad was abducted on June 1. Mona Williams last saw her daughter when Corrine went to play at a park less than 100 feet from her home in Inver Grove Heights, a suburb of the Twin Cities.

Child abductions—whether by stranger or family acquaintance—haunt par-

ents and make the world a frightening place for those who should be living lives of carefree adventure.

We need not be defenseless in the face of these crimes. The experts tell us that the key to finding abducted children lies in a quick and thorough response. Fifteen States have passed legislation in recent years that could greatly raise the odds that an abductor will be brought to justice.

However, these efforts are not enough, Mr. President. Because we lack national legislation, those who prey on children can often foil our efforts by simply moving to another State. Congress must continue to work for a national policy that will close loopholes through which convicted predators can slip into our communities and abduct our children.

As amended to the crime bill conference report, the Jacob Wetterling Crimes Against Children Registration Act seeks to establish Federal laws for registering those convicted of crimes against children.

This act is simple and cost effective. Anyone convicted of a number of crimes against minors would be required to register their current address with local law enforcement officials for a 10-year period following their release from prison. Upon moving, registered persons would be required to forward their new address within 10 days. Each year, a nonforwardable verification form would be sent to the offender's last registered address. Failure to return the form within 10 days would constitute a violation of the law unless the offender could offer a valid explanation.

Convictions that would trigger the registration requirement include the kidnapping or false imprisonment of a minor, criminal sexual conduct toward a minor, solicitation of minors to engage in sexual conduct, the use of minors in a sexual performance, or the solicitation of minors to practice prostitution.

The Crimes Against Children Registration Act may require some of us to choose between two interests. On one hand, we must protect children from sexual abuse and exploitation. On the other hand, there are those whose priority is in protecting convicted child sex offenders from the inconvenience of registering their addresses once a year.

For this Senator, there are no competing issues to debate. If a national registration requirement for convicted child sex offenders will assist law enforcement authorities in one criminal apprehension, or if it will deter a single kidnapping, I believe it is worth implementing. Certainly the many parents and law enforcement officials I have spoken with would agree.

Mr. President, I cannot bring this issue before the Congress without noting the efforts of Jacob Wetterling's friends and family. Jacob's friends now

number in the millions across the Nation and the world. They daily pray for his return, they keep the hope alive.

And while their son Jacob has become a national symbol for our lost children, Patty and Jerry Wetterling have become symbols of hope. They have brought national attention to the problem of child exploitation through the Jacob Wetterling Foundation, an organization for preventing and responding to stranger abductions. A 24-hour hotline—800-325-HOPE—has been established to generate leads in such cases, and a \$200,000 reward has been offered for information leading to Jacob's safe return.

I urge Congress and the President to pass this legislation. Armed with the information the Jacob Wetterling Act would provide, law enforcement officials could act decisively in the critical hours following child abductions. And those they serve could rest a bit easier knowing their communities are protected from those who prey on children.

#### IN REMEMBRANCE OF HENRY M. HARREN

Mr. DURENBERGER. Mr. President, I rise today to note the passing of a dear friend to myself and to many Minnesotans. Henry Harren was born in Albany, a small town neighboring my birthplace in central Minnesota.

At 12, Henry began working at his father's newspaper, the Albany Enterprise. For the rest of his life, Henry chronicled the unfolding history of his community, and in doing so tied the lives of his readers together.

Henry Harren's contribution extended well beyond the township line. He distinguished himself many times during World War II, earning five battle stars during the Normandy invasion, and fighting in Belgium and Germany.

After the war, Henry traveled the country, working at community newspapers in Texas and New Mexico. In 1950, he returned to Albany to become publisher of the Enterprise, and, 4 years later in 1954, he started another newspaper in nearby St. Joseph.

That year he also won a seat in the Minnesota Senate, thereby joining the distinguished ranks of small town journalists turned legislators. He represented the residents of Albany and Stearns County, including my family, for 16 years, serving during that time as head of the civil administration committee and as chairman of the Minnesota Outdoor Recreation Resources Commission. Two years after he left public office in 1970, Henry sold his newspapers and went to work for the Minnesota Historical Society.

Mr. President, Henry Harren was bright, farsighted, and faithful to his constituents. He embodied the best of small town Minnesota, and he will be missed.

The ACTING PRESIDENT pro tempore. The Senator from Alabama is recognized.

#### THE BALANCED BUDGET AMENDMENT

Mr. HEFLIN. Mr. President, I rise to make my fifth speech in behalf of the constitutional amendment to balance the budget in the past 3 weeks. I have attempted to direct the attention of the Senate to this most important constitutional amendment proposal.

I was disappointed when the House failed to pass by the necessary two-thirds vote the proposal requiring a constitutional amendment to balance the budget. Our leader here in the Senate, Senator SIMON, took the floor last evening and said we would delay the fight until next year. I respect his decision. He has given great leadership to this movement in the Senate, and I believe that we could have passed this proposal in the Senate with the necessary two-thirds vote.

However, since the House had declined to give the two-thirds vote to this proposal, nothing would have been accomplished this year.

I worked with Senator SIMON, Senator THURMOND, Senator DECONCINI, and others, relative to this proposal over a period of time. In fact, I was one of the first Senators to introduce such a proposal when I first came to the Senate. The first bill that I introduced when I came to the Senate was a constitutional amendment requiring a balanced budget.

At the beginning of each Congress, the first bill that I introduced has been a proposal for a constitutional amendment requiring a balanced budget.

For 14 years I have given this proposal my highest priority. We have worked out a number of provisions that I have supported all along, one including the ability of the Congress to waive the requirement of a balanced budget when there is undeclared war.

The provision that we now have in the bill would allow such a waiver to occur in the event that was an imminent and serious threat to national security. If it was first declared to be such an imminent and serious threat to national security by a joint resolution passed by a full majority of both the House and the Senate, and signed by the President, then the Congress could proceed toward waiving the requirement of a balanced budget in the event of undeclared war.

We have had five declared wars in the history of this Nation, and well over 200 conflicts that were undeclared. Every undeclared war does not have to have a waiver. This is a very difficult method of acquiring a waiver that is presently in the bill.

Former Senator Denton and I worked several times on this specific matter. Ultimately, we had a floor fight. We

lost that provision by just a few votes a number of years ago.

Also, I have worked hard for the requirement that the national debt limit has to be waived by a three-fifths vote. There have been previous efforts in the Senate to pass just such a provision. Several years ago, when it first came to the Senate, we obtained 69 votes, more than the necessary two-thirds. But the House of Representatives failed to come close to the required two-thirds vote.

Another time, the amendment was brought up and the Senate gave it 66 votes, one short of the required 67 votes that would have been necessary for passage.

I think the attention that has been given to this matter and the leadership that Senator SIMON has shown have been beneficial. Work on this proposed amendment has forced the Senate to focus on the trend that we are following relative to deficit spending and the need for fiscal responsibility. As Douglas MacArthur said, "I shall return." There is little doubt, this proposal will return again and, in my judgment, it will eventually be adopted. In the meantime, I think that the issue of deficit spending is on the minds of the American people, and the attention that has been given should motivate us to legislatively do everything we can to reduce deficit spending.

I think this is going to be a motivation that will help us in our efforts to reduce deficit spending. But I believe that the attention of the American public has been directed and spotlighted on the need for a constitutional amendment and that such an amendment will eventually be adopted.

#### TRIBUTE TO JOE DAWSON

Mr. HEFLIN. Mr. President, I address the U.S. Senate today to pay tribute to the life of Joe Mathes Scott Dawson, a great citizen of my State who passed away on May 19, 1992, following over 60 years of law practice in Scottsboro, AL. Joe was a leader among lawyers in Alabama for those six decades, and he was a leader in church and community affairs as well. Joe had a joyfulness about life that was striking, and he approached all that he did with a positive optimism that was contagious.

Joe M. Dawson was an outstanding and highly productive citizen who will be greatly missed in Scottsboro, in Jackson County, and throughout north Alabama and our entire State.

What follows is a biography of Joe Dawson which was made available as part of the tribute to him at his funeral at the First United Methodist Church of Scottsboro, AL, on May 21, 1992.

Joseph Mathes Scott Dawson died May 19, 1992. He was born May 30, 1908, in Mentone, AL. He was the son of Henry Washington Dawson and Ruby

Scott Dawson. The oldest of five children, he is survived by his brothers, Dr. C. Paul Dawson of Scottsboro, AL; J. Clyde Dawson of Chattanooga, TN; and a sister, Bessie Mae Biddle of Fort Payne, AL. Another brother, Henry A. Dawson, is deceased.

Mr. Dawson's family moved to Fort Payne, AL, when he was a child. He grew up there and graduated from Fort Payne High School. He received his LL.B. degree from the Chattanooga College of Law in 1930, and an LL.M. degree from Cumberland University, then located in Lebanon, TN, in 1931.

Mr. Dawson began the practice of law in June 1931 with his uncle, Charles J. Scott, in Fort Payne, AL. They formed the firm of Scott & Dawson. In 1935, Mr. Dawson moved to Scottsboro, AL, to open a branch of the firm. He was later joined by Lawrence E. Brown and the firm became Brown, Scott & Dawson. After the death of Mr. Brown, James S. McGinty joined the firm and it became Dawson & McGinty, as it remains today.

Mr. Dawson served on the board of directors of the First National Bank in Scottsboro until his death. He was past president of the local Civitan Club. He served for many years as a member of the board of trustees—formerly the board of stewards—of the First United Methodist Church in Scottsboro. He taught a Sunday school class and served in many other capacities as a church official. He also served as a member of the board of the United Methodist Children's Home in Selma, AL. He was a member of the board of the Jackson County Hospital at the time the hospital was built.

Mr. Dawson was a member of the American Bar Association, the Alabama Bar Association, and the Jackson County Bar Association, of which he was a past president. He was admitted to practice in the Supreme Court of the United States and other Federal courts.

Mr. Dawson married Mary Frances Ailey, of Chattanooga, TN, on October 13, 1934. Mrs. Dawson died on November 14, 1991. They are survived by one daughter, Jean Dawson Stockburger, who is a practicing attorney in Little Rock, AR, with the firm of Mitchell, Williams, Selig, Gates & Woodyard, and three grandchildren: John Scott Stockburger, age 28; Mary Staci Stockburger, age 26; and Christopher Sean Stockburger, age 21.

I conclude this tribute to Joe Mathes Scott Dawson, who was a friend of mine and whom I personally will miss each time I go to Scottsboro, with a moving eulogy rendered at the funeral by Judge Robert L. Hodges of Scottsboro.

EULOGY TO JOE DAWSON BY JUDGE ROBERT L. HODGES—MAY 21, 1992

I was asked by his family a year ago to say a few words at a ceremony which was planned to be in one of our courtrooms last

summer to commemorate the milestone of his 60th year in the practice of law. For several reasons, including the illness of Mary, his wife, we never had that ceremony. And so I stand this afternoon to say a few words in another kind of ceremony, one that neither he nor I contemplated we would be doing together.

He lived over 30 years beyond the tenure of my life on this Earth. He has been a member of the legal profession over 32 years longer than I, and when I graduated from law school, he had been practicing law longer than I had been alive.

When one we know so well passes away, there are vignettes of his life which pass through the chambers of our memories. These are the ones which have come to me.

When I was a teenager, he met me each Sunday morning at the door of the old church on Scott Street with a smile and an inquiry into my Sunday school attendance or my last football game. He was one of the concrete images in this community and in this church in the memories I have of my youth. I began our acquaintance by calling him "Mister Joe" and in all of these years, even until my last conversation with him some weeks ago, that never changed.

Stored in his mind, and sprinkled often in his conversations with me in later years were hundreds of people who passed his way in this county and who have long since left us—colorful pioneers in the history of this community. He had a phenomenal memory, until his very last illness, of all of them, and their families and businesses and their tragedies and their successes, and he found in those memories of his the humor and the folly and the sadness and the frailty that is the stuff of human existence. If you listened carefully to the tales he told with delight, of some of the colorful characters who built this community and this county, you could almost hear Shakespeare's Puck making his famous critique of humanity, except that Mister Joe seemed to include himself in it, and seemed to be saying, "Lord, what fools we mortals be!" That ability to laugh at himself, something many of us in humanity have lost, was an enduring quality I admired.

As a husband, he was without equal in his devotion to his wife. I have images of him, this past winter, in the room down the hall from where my wife was hospitalized, day after day feeding Mary her meals, and catching her up to date on the news in the paper, and making her comfortable and escorting me and other visitors into Mary's room to greet her and boost her spirits, and then driving home each night to be at work the next morning.

As a father, he was without parallel in pride. I had many visits and phone calls from him each time Jean or one of his grandchildren had visited or called or there was news of any of them accomplishing something. The bumper sticker which says, "Let me tell you about my grandkids" surely was made originally for him.

He made sure people in the nursing home got to church on Sunday in his old blue Plymouth, and that old car sticks in my mind, always spotless and shining, as so typical of him. I know not if he had a love affair with that old car, but the care he took of it and the use he made of it was a sort of defiant gesture of his, I think, that his values, of a past generation, could still travel with the youngest of us.

His working hours are legend in the legal community. There was no doubt in my mind that he would leave this life arguing a case in my courtroom, and I always suspected, in

these later years, that such was his plan. For what devotion he had to a client's cause. Someone once said, "Right or wrong, my country." Mister Joe had a corollary: "Right or wrong, my client." The art of advocacy to him was an adventure of the sort some lawyers never find, and the very last time he appeared in my courtroom in an adversarial proceeding, he still had that spark of humor and that glint in his eye that indicated to me, from where I sat, that he was off on some uproarious frolic the young whipper-snapper on the other side would never be able to comprehend.

What do you say, those of us who labor in the halls where justice is sought; what do we say when one who has labored among us leaves after more than 60 years of such labor?

I hark back to a special moment for me, almost 10 years ago now, when I first walked into a courtroom wearing a black robe where he was sitting as a lawyer in the case. He stood, a man many years my senior, generations of experience removed from me, a contemporary of my parents. He stood, and he said, with a smile on his face, "Good morning, your honor." And something passed, unspoken, between us that I have never forgotten. It had nothing to do with our respective ages or experience or station in life. It had everything to do with something both of us respected, and both of us had dedicated our lives to. It had to do with our mutual respect of the law and of those of us within its profession who are charged with the high and awesome task of seeking justice for the very least of those in our society. What passed between us at that moment I feel again this afternoon, and so I stand for him this time, and the "your honor" this time goes to him. And to his family and friends and his fellow lawyers, I quote words from Harper Lee's "To Kill a Mockingbird":

A young girl watched from her seat in the courtroom as her father, Atticus Finch, a small town southern lawyer who had lost a noble and unpopular cause, was leaving the courtroom: "I looked around," she said. "They were standing. All around us and in the balcony on the opposite wall, (they) were getting to their feet. Reverend Sykes' voice was as distant as Judge Taylor's. 'Miss Jean Louise, Miss Jean Louise, stand up. Your Father's passin'.'"

I yield the floor, Mr. President.

The ACTING PRESIDENT pro tempore. The Senator from Ohio is recognized.

#### HOMOSEXUALS SERVING IN THE MILITARY

Mr. METZENBAUM. Mr. President, I rise today to address myself to the issue of homosexuals serving in the military—to the Pentagon's continued outdated and absurd prohibition of gay men and lesbians serving in the military.

It is—pure and simple—official Government-sanctioned discrimination.

It is discrimination against a distinct group of individuals who repeatedly and throughout history have shown that they are every bit as capable, hardworking, brave, and patriotic as their heterosexual counterparts.

The fact is, the performance of homosexuals in the military has been superb.

How do I know?

Because every time the military forces one of them out, their service record becomes part of the investigative effort to get rid of them. In every case I have ever seen, the records of these individuals have been above average.

Just last week, the Washington Post reported another case. The Navy is kicking out a "25-year-old navigator-bombardier who finished first in his highly competitive flight training classes and received top honors."

Why? Did he do anything wrong? Did he sexually assault or harass somebody?

No. He merely admitted he was gay.

It does not matter that he was the best in his class.

Forget the fact that the U.S. taxpayers paid \$2 million to train him to be a bombardier.

All that matters to the Pentagon is that the man is gay—which the Pentagon says is bad for morale.

The argument used to be that you could not have homosexuals in the military because they were vulnerable to blackmail. Of course that was never true. Nobody could ever think of an instance when a homosexual had been blackmailed into betraying his or her country. That was just plain hogwash.

But now the Pentagon has this new excuse for harassing homosexuals.

The Pentagon claims homosexuals are bad for morale—that they represent a discipline problem—that they cannot control themselves.

The Pentagon has no proof to back up its prejudice and baseless fears.

In fact, the Pentagon has proof, which it has suppressed, that the fitness records of homosexuals are as good, if not better, than the average heterosexual.

One of the studies went so far as to recommend that the ban on homosexuals serving in the military be overturned. The Pentagon buried the report and tried to have it rewritten.

Defense Secretary Cheney said the other day that "a gay lifestyle is incompatible with military service."

What is he talking about? There are tens of thousands of homosexuals in the military right now excelling in their jobs every day.

They are the pilots, the ship's gunners, the mechanics. Gay people are a significant part of the population. They are a significant part of the military and every other Government agency.

They do their jobs just like everybody else.

The other day, one of Cheney's spokespersons said homosexuals in the military would adversely affect order and the public's acceptance of the Armed Forces.

How do they make those claims?

The fact is, a Penn and Schoen 1991 public opinion poll showed that 8 in 10

Americans believe that homosexuals should not be discharged from the military solely because of their sexual orientation.

Mr. President, I do not believe the taxpayers realize how much it costs to hunt for gays, investigate them, and bust them out of the service.

It costs tens of millions of dollars every year.

According to the General Accounting Office, the cost of discharging a homosexual, together with the lost cost of training those individuals over the 10-year period between 1974 and 1984 was \$176 million.

Let us be frank, Mr. President.

This is a political year.

And this is a political issue for the administration.

This administration is too afraid of the far right to change its antigay policies—even though it knows they are wrong.

This administration pays constant homage to a group of small, narrow-minded people who insist that everyone must look, think, and live his or her life as they do.

It is the same mindset that resulted in the exclusion of millions of black Americans, and millions of women and other minorities from serving their country in the military for so many years.

In the 1940's, conservatives used all the same arguments—they said that admitting black Americans into the military would be bad for morale—that whites would not serve alongside blacks.

That was baloney; pure baloney. President Truman knew it was not true. He integrated the military, and our Armed Forces took the lead in welcoming minorities and promoting equal opportunity ever since—save for one small exception—homosexuals.

So let us not obfuscate the issue by talking about discipline and morale.

Nothing is better for morale than a military that knows how to get the job done. What is important when the bullets are flying is whether the soldier or sailor or officer is brave, smart, and well trained. Heroes come from every race, gender, and sexual orientation.

Mr. President there are bills pending in both the House and Senate to end the Pentagon's discrimination against gay men and lesbians.

It is time we enacted them. And it is time the President recognized the fact that his administration's policy of exclusion is just senseless. It is a waste of the taxpayers' money.

And finally, Mr. President, it is just downright mean and it is cruel.

Senate to the commencement speech delivered by Prof. Meade Emory on May 17, 1992, at the Duke University Law School. Professor Emory was given the Distinguished Teacher Award this year by the students at the Duke University Law School. That award has been given annually by the Duke Bar Association since 1985 to recognize outstanding classroom contributions by members of the law school faculty.

A particularly noteworthy aspect of Professor Emory's award is the fact that he has spent most of his distinguished professional career in the private sector, representing individual clients with tax problems. While most law students consider the subject of tax law to be a dry and lugubrious undertaking, Meade Emory succeeds in both challenging his students to learn the subject and to consider its impact on the lives of low- and moderate-income citizens in our society.

Dean Paul Haagen of the Duke Law School stated:

In his two years here Meade Emory has brought a liveliness to his classroom, a love of learning with a strong grounding in the practical application of the tax laws that has excited our students and enriched their knowledge of the tax code. Students believed tax law would be uninteresting, but in the hands of Emory it can be great fun.

I am pleased to note that when Prof. Meade Emory is not inspiring law students to consider the public interest implications of their future careers, he makes his home in Seattle, WA, an active member of the legal community, generous with his free time in civic and political affairs. Meade Emory is a longtime personal friend who richly deserves the recognition his teaching has earned at the Duke Law School this year. I ask unanimous consent that Professor Emory's commencement address be printed in the RECORD following these remarks.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

#### COMMENCEMENT SPEECH BY PROF. MEADE EMORY

On this joyous day let me congratulate you on your exquisite timing. Only those that follow you will not be able to whisk into a gated lot but will have, instead, a ¼ mile book-laden trudge to class. Only those that follow will have the tranquility of their study interrupted by the gnawing pounding of a jack-hammer. If timing is everything you are off to a great start.

I do not need tell you that the law practice world you enter today is almost a caricature of its former self. You know this and this knowledge must make this a bittersweet day. No matter how cynical you may have become about law school, the "rigors" of student life, where free choice and intellectual diversity reign, may seem like a refuge to the horrors that many of you have conjured up. The private practice monsters you have dreamt about—the intense time commitment demanded by a high billable hour expectation, the resultant lack of time for personal nurturing and development, the sometimes vicious striving for new business

(and too frequently newer associates are expected to show their mettle here just as brilliantly as in the library or at the wordprocessor), the win-lose game model that encourages adversarial and impersonal conduct that is nothing short of Ramboesque—are certainly real. As one who has one foot in this netherworld, I can tell you that all of these beasts are alive and kicking.

The practice of law in many sectors has become more like a trade than a profession, with an emphasis on money and profit rather than on service and justice. Reading the weekly law newspapers that trumpet obscene numbers for profits per partner, the conclusion seems inescapable that money is the chief measure of success. The sense of "family" and stability that marked law firms for years (certainly for a good part of my life) has been replaced by an atmosphere lacking in any kind of bonding tradition. Able lawyers, especially those with the coveted "book of business," are regularly in play in the market place. Faced with the pressure of large firm practice, many associates express their frustration and disillusionment by leaving, sensing that the power is vested in senior partners who reap benefit, largely economic, by preserving the status quo.

Some of the disappointment which young lawyers feel upon entering this milieu may be attributable to the fact that they don't know what to expect. Professor Alex Johnson at Virginia, in his article: "Think Like a Lawyer, Work Like a Machine," concludes that a root cause of this lack of preparation is the failure of law schools to educate their students about the nature of law firm practice. I tend to think, rather, that you do know what you are in for. Even though summer clerkships are somewhat idyllic, if your eyes were open you got more than a general idea of the level of work expected. What you don't know is what you need to know about yourselves—what are you willing to do, and not willing to do when the rewards are chiefly financial. Young lawyers often come to the conclusion that the people they work for, and the type of work they do, were unexpected and leave to seek other alternatives.

Law schools could do more. As the law school agenda has evolved over the last decade there is a disunity between the specialties required in practice and the post-graduate academic center approach of the 2nd and 3rd year law school curriculum which focuses more on interdisciplinary, law related studies and theories of law. This gap heightens the surprise which you may experience. It would be positive if law schools were to do more than they now do to inform their students of the change which the profession has undergone. It would allow academic lawyers to maintain contact with the practicing bar and thus allow them to be in a better position to educate students on the realities of practice so that they can make more informed career choices. Looked at from my point of view, with my practitioner hat on, greater information about the realities of practice reduces the possibility of higher costs in the form of an investment in training lawyers who leave after a year or two. From your point of view, you would have an opportunity to make a choice grounded on what you have concluded is the best choice (and not to simply climb, unknowingly, up someone else's success ladder that may not be at all right for you). More communication between those in law practice and those in the academy might, just might, over time, infuse the profession with the notion that money is not the only gauge of successful

COMMENDING PROF. MEADE EMORY, DUKE UNIVERSITY LAW SCHOOL

Mr. ADAMS. Mr. President, I rise today to call the attention of the U.S.

lawyering and that the ideals of justice and equality are more worthy than raw profitability.

The picture that I paint may be too gloomy. Change may well be blowing in the wind. You are entering the law profession at a time when, because of the convergence of many forces, law firms may be sitting up and listening. Significant change has been wrought in America by the persistent demand of younger people who desired a society, or simply a way of doing things, that was different from that experienced by their parents or a prior generation. Some things are now done better. In the practice world, the unfortunately named "mommy track," thought unobtainable a few years ago, came about because talented child-bearing and child-rearing women would not accept a choice that meant no utilization of their hard won education in law. On examination, though, this arrangement may represent nothing more than the reduction of a mother's workload from the super achievement level normally required of an aspiring associate to a 9-to-6 job in return for markedly lower compensation and a foregone chance of partnership. Billable hour levels have almost everything to do with what the quality of your life will be; there is a universe of difference between a requirement of 1700 hours and 2100 hours. (I am talking about real hours—not the billing practices followed in John Grisham's *The Firm*—"If the client's name crosses your mind while you're driving to work, stick it for an hour.") The difference, frankly, is whether you are going to have your week-ends and evenings to yourself and for activities outside your work. I sense, at least in my part of the country, even in large offices, a recognition that a somewhat lower time commitment will still allow the work to be done and at a sufficient level of profitability. Without a doubt, this recognition was prompted by a community wide demand from the assembled associate group. As remote as a sabbatical may now seem to you, their implementation was part of a profession-wide realization that the practice, over the long-term, had to be more humane and less pressurized. Also, the willingness of law offices to craft new arrangements (for example, as a contract partner), in lieu of the up or out system of yesteryear, is no doubt a welcome harbinger as it permits tailoring a professional role that is more individually suited.

Be aware, though, that not all institutions are enlightened. The game will have to be played according to the rules established by the current incumbents of power. One writer states:

"Law firms are caricatures of the worst ecclesiastical bureaucracies. They are hierarchical and corruptly stratified by class, race and sex. Beginning lawyers earn more than the most experienced and competent who are not ordained lawyers. Partners are bishops in ermine, associates are acolytes in linen, a few women have entered the sanctuary, and everybody else stands outside to contribute."

As someone from that world, I can read that and candidly tell you that it is largely true. I know, though, that there is unrest which cannot be ignored. Many of us, in what I prefer to call the long afternoon of life rather than its early evening, look back across the landscape of our accomplishments with less than total peace. There will likely be sufficient material gain and professional tribute but often, at which should be the height of accomplishment, the personal elements of one's life can lie in a state of dis-

repair, even wreckage. In no small part this can be attributed—I know it is true in my case—to rampant workaholicism and a failure to balance one's life. As jealous a mistress as the law is, and it is truly suspicious of activity outside its ken, do not forsake those interests and loves which flowered, at an earlier time, unprompted by economic or other outside forces. If English was your undergraduate major, you no doubt cherish a love of literature that the law, in all its majesty, should not be allowed to dry up. In my part of the country, the out-of-doors is a constant lure and many is the time I have cursed an absent associate, even partner, who chose skiing over the relative quiet of a Saturday in the office. That I may not do so now is perhaps revealed by the fact that my current favorite associate is a rare book collector with whom I would rather talk about his recent antiquarian find than the intricacies of a net operating loss carryover issue (although I am the first to admit that that is a luxury in which we can not often indulge). Although I determined long ago that I would not live my life within the four corners of the Internal Revenue Code I am not sure I have been, to my regret, successful in that respect. Now, I tend to agree with Professor Ginsburg at Georgetown when he says: "Basic tax, as everyone knows, is the only genuinely funny subject in law school. It is an appreciation of human greed three morning hours each week."

Some, though, will find the change in the law firm landscape too halting and timid. There is no state or federal rule which requires you to participate in the intensely competitive law firm arena. Participation in this "tournament of promotion," the current socio-economic description of the bizarre world which many of you will enter, offers the opportunity for great financial reward, professional prestige and maybe even intellectual challenge. Unwatched, however, a participant jousting in this tournament may endure a decline in the quality of personal and family life that is simply not worth whatever benefits it bestows. If this turns out to be the case, all is by no means lost. The wonder of our profession is the usability of its skills in oh so many contexts. Along the continuum, myriad options are available in which the credential you receive today, and the hardwon skills you have acquired, can be used to formulate for yourselves legitimate, productive and healthy expectations for your legal careers. Although the uncertainty of the present law marketplace is not without trauma, that very characteristic, which provides a flexibility in which no decisions are irrevocable, may be turned to advantage. Every place in your professional life, if you want it to be, can be of an interim nature. While it has been the pattern of those in my generation to survive 2 or 3 decades with the same law firm, I have always been happy I did not make that choice. Late professional life can create a world that is "weary, stale, flat and unprofitable"—unprofitable to the soul if not to the pocketbook. I pursued, instead, a mix of practice, government and public service and teaching. Different, but each had the law as a central thread. In my city of Seattle there is a woman lawyer who makes a good living putting on seminars for "Lawyers in Transition,"—lawyers who seek alternatives to the law. My point is that there are a sufficient number of ways in which to reside in the many roomed house of the law that you need not leave it to obtain professional satisfaction. Joining a small firm or, after some experience, starting your own firm have to be

viewed as attractive possibilities. In Seattle I regularly see small firms upsetting the balance of power at unexpected times and places.

Whatever room of the house you choose to live in you will always have to ask: "How should I live my life as a lawyer?" It has been said: "There is not a single path but at least three main ways. You may choose to do well and nothing more. You may have a try at doing well and doing good. You may find a way to do good; and for you that will be more than enough." Some come to law school to learn to do good and leave knowing only how to do well. Generally, they work hard to preserve power, increase wealth and defy the established order. These people do well and not much more. The gains that they achieve tend to rust and fail to provide solace in mid and late life. The law firm ethos—more lawyers, a larger stable to clients and more billable hours—has become the measure of worth even in law school as law students collect "fly-backs" like merit badges and schools measure their standing by the number of graduates employed by prestigious law firms.

A central question as you move from these gothic surroundings to world realities is whether it is possible to do good while still doing well. Several years ago, Duncan Kennedy, the left-liberal professor at Harvard Law School, caused a storm when he published a piece in the *Harvard Law Bulletin* on changing the corporate law firm from within. Most concluded that his suggestions for militant, even radical, behavior to drag the firm to a higher ideal (including, as I recall, the suggestion that associates struggle to set a new political tone for the office by refusing to laugh at jokes) was unrealistic. The letters that followed the article, however, while recognizing the need for significant improvement in the environment, asserted that it is simply not true that it is necessary to abandon one's morality or ideology to succeed in the smelter of large firm practice. In lieu of grousing about the firm for which you work, and the work you may be doing, direct your own life in the law, adhering to standards in which you believe. You should never have to surrender control over the type of lawyer you will become. Duncan Kennedy is correct when he suggests that if you, and your peers, stand for something, even in your beginning life as an associate, you will be able to make things different when you own the place.

Instilled in our profession is that which blooms from the fact—let the naysayers mouth what they will—that is a profession. Leonard Janofsky, a past president of the ABA, said: "Of course we have a right to earn a living, a right to charge a fee, and even a right to advertise our services. But before any right we have an obligation." No lawyer who opts to serve the public interest, first says to him or herself, "I must do this to justify my exclusive franchise." Rather, a sense of public responsibility is almost an instinctive by-product of our whole education and training. When overhead consumes two-thirds of a firm's gross income how much free time can be devoted to pro bono and civic work? It is obvious that the single minded pursuit of income or client service could consume every waking hour. But there is something about our profession which calls upon us to lead. When I look across the civic landscape in Seattle there is hardly a single endeavor in which lawyers are not in the forefront—this is true whether it is leading the challenge for community calm following the Rodney King verdict, working to

keep major league baseball in town, covering the freeway with park space, assuring that loan amounts will be available to black-owned businesses, or activism on behalf of the community's homeless. The more cynical will conclude that this civic work is simply self-aggrandizement, a way of putting oneself or one's firm in the public eye. This is partly true, but the resultant benefit to the community cannot be denied.

Even the most cynical will not question your motive, though, in bringing to bear your talents on behalf of the disadvantaged, those for whom the availability of legal services is inverse to their need. Most offices provide some encouragement for work pro bono publico. If yours does not take a stand and insist that it do so, Clinton Bamberger, the first head of the Legal Services Corporation, himself an emigre from a corporate law firm, notes that "[a]rguing for and advising people, especially poor people, is more strenuous, more difficult, more demanding, and more compensating than any other kind of lawyering." It is emotional and you cannot stand apart from it. There is not much support for you. Some of the law has not been made (you may have to make it) and what there is, is hard to find. As a tax lawyer, I know that every whisper emanating from the IRS is printed in dozens of places; I contribute to that flood by publishing a newsletter analyzing the hundreds of private letter rulings which that agency issues to requesting taxpayers. However, you will have to make your own collection of the welfare regulations and interpretations, keep them current and prepare an index. While the wind will blow against you, the profit for the spirit will be great and you will be involved in the best of what we do—not to use the law to protect the power of wealth and class but to use the law to create power. Several years ago I lead a 2-year struggle by a communitarian religious organization in Alaska to obtain classification as a tax-exempt church from a bitterly resistant IRS. That result will always be a highspot, made so not by the fact that they paid a fee, but because it was an instance in which one could do good while doing well. I continue to be amazed at the unreasonable positions the IRS sometimes takes regarding lower and middle income taxpayers, who, being unrepresented, and justifiably fearing the agency's wrath, capitulate. Before I "shuffle off this mortal coil" I intend to create a clinic that will permit such taxpayers to obtain the same treatment under that byzantine statute that represented taxpayers do.

In the very best sense you are chosen people. You have a special right and a responsibility. Never forget that you are in control of your own life and that you can live that life, both "on and off the court" as they say, in a way in which you can feel proud about who you are and what you do. Always remember that "time's winged chariot hurries near." Choose wisely—you'll be proud you did.

#### RELIEF FOR KURDS IN NORTHERN IRAQ

Mr. REID. Mr. President, yesterday, the Senate agreed to House Concurrent Resolution 299—a concurrent resolution originally submitted in the House by Representative JAMES BILBRAY. The resolution asks Turkey to continue beyond June 1992 the agreement that permits the stationing of United States forces in southern Turkey; it states

that the United Nations presence in northern Iraq should be extended; it states that the United States and the United Nations should attach a high priority to persuading Iraq to lift its boycott of northern Iraq; and it states that the United States should support the sovereignty of all the states in the area.

The United States encouraged the uprising of the Kurds, and then forgot about them—left them to Saddam Hussein's butchery. Millions of Kurds—mostly women and children—have been forced to flee their homes because of threats from the Iraqi Army. They have experienced much suffering, much hunger. Saddam Hussein has used gas attacks against the Kurds, and he has massacred entire villages.

If the United States and United Nations move out of the region, we can expect wholesale slaughter of the Kurds.

Through the United Nations and Operation Provide Comfort, we have been able to keep the wolves from the door. But time is running out. Soon, deadlines will expire, and the United States needs to act. This is not a call for money, nor a call for military intervention. This is a call for leadership.

Recently, the Kurds expressed their desire for democracy by holding free elections free of violence or fraud. The United States must keep its promises to these freedom-loving people. That is why the adoption of House Concurrent Resolution 299 yesterday was so important. Representative BILBRAY is to be praised for his efforts to remind the administration of its promises and to send a message of support to an embattled culture. It is the least we can do.

Mr. LEVIN addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Michigan is recognized.

#### ENFORCEMENT OF UNITED NATIONS SECURITY COUNCIL RESOLUTIONS CALLING FOR CESSATION OF HOSTILITIES IN THE FORMER TERRITORY OF YUGOSLAVIA

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 479, Senator Resolution 306 regarding Yugoslavia. This has been cleared on both sides.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 306) relating to the enforcement of United Nations Security Council resolutions calling for the cessation of hostilities in the former territory of Yugoslavia.

The ACTING PRESIDENT pro tempore. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution,

which had been reported from the Committee on Foreign Relations, with an amendment, as follows:

On page 3, line 9, strike the word "concurrent."

Mr. LEVIN. Mr. President, as I indicated this resolution has been cleared on both sides. It is cosponsored by Senators MITCHELL and DOLE.

As the crisis in the former Republics of Yugoslavia has escalated, the world has been horrified at the atrocities and the suffering of innocent noncombatants. Cease-fires are being violated with impunity, repression is succeeding, and chaos reigns.

Well over 1 million people have been displaced, thousands have died, humanitarian relief is being denied to innocent civilians, tens of thousands face starvation, and internationally recognized standards of decency and conduct are being ignored repeatedly and flagrantly.

The Serbian Orthodox Church itself openly denounced the Milosevic regime, breaking almost 50 years of silent submission to Communist power. In an unprecedented condemnation, the Bishop's Assembly of the Serbian Orthodox Church last month called for the replacement of the current regime of the Government of National Salvation and National Unity.

The resolutions of the United Nations have been ignored. On April 7, the Security Council unanimously passed Resolution 752, which demands that all parties in Bosnia stop the fighting immediately and that all forms of interference from outside of Bosnia cease. The U.N. resolution also demanded that the Yugoslav Peoples Army and elements of the Peoples Army must either be withdrawn or disbanded and disarmed under international monitoring.

Mr. President, that resolution was ignored, and so the United Nations passed another resolution on May 30, Resolution 757, which reaffirmed the prior resolution and instituted sanctions against Serbia and Montenegro. Those sanctions include a ban on all trade with the Republics of Serbia and Montenegro. They also sever international air travel, suspend cultural and scientific exchanges and exclude those two Republics from international athletic competition.

So the question now arises whether the United Nations should act to enforce its resolutions. It has long been a dream of international organizations and the peoples of the world that an international organization would have the ability to act to enforce its resolutions. The United States has a veto on the Security Council, so the United Nations in no event can act without our concurrence and our approval.

But we have a rare opportunity that we have not had in 50 years to get united international action to enforce U.N. resolutions. The reason it is a new op-

portunity is that the Soviet Union has disintegrated, the Soviet Union which used to say "no, no, no," and "veto, veto, veto," to all the world's efforts to bring peace during this 50-year period. Until the collapse of the Soviet Union, the Security Council could not proceed because of that veto.

But under chapter III of the U.N. charter, the Security Council can create a military force for the purpose of maintaining international peace and stability. Until now, the United Nations has only authorized ad hoc coalitions to defeat international aggression in Korea and Iraq. But under the charter the United Nations can create a form—if all the members of the Security Council approve—which is comprised of units of those countries that voluntarily send such forces to the United Nations for use to deter aggression, to stop hostilities or to carry out humanitarian missions.

The resolution which is before us, which is cosponsored by Senators MITCHELL and DOLE, asks the President to urge the United Nations to prepare a plan to enforce its resolutions. The exact words of this resolve clause are that the Senate "calls upon the President of the United States to urge the U.N. Security Council to direct the Secretary General of the United Nations to provide a plan and budget for such intervention as may be necessary to enforce the Security Council resolutions seeking cessation of hostilities in the former Republics of Yugoslavia." Such a plan is essential before the United Nations could vote to act to enforce its resolutions because we do not know what resources would be required without such a plan. Just the adoption of that plan would be a strong signal to the Serbian forces of the serious intent of the United Nations to enforce its resolutions.

My own belief is that it is going to require a credible threat of international force to stop the aggression that we see going on in Yugoslavia. And I am talking about a force for which chapter VII provides, not after a cease-fire is in place but to enforce the resolutions of the United Nations to bring peace and cessation of hostilities to the area.

It is difficult enough to achieve a cease-fire, but we do not know that a cease-fire is going to be achieved. One after another cease-fire has been broken. The United Nations is doing extremely important, useful work in trying to achieve a cease-fire, and preparing to insert a force if and when that cease-fire is achieved.

But what the United Nations has authority to do under chapter VII is to enforce militarily its resolutions to bring about a cessation of hostilities, whether or not parties themselves work out a cease-fire.

The only way the United Nations can determine whether to intervene, in a

rational way, is to determine what resources would be necessary in order to intervene successfully.

The U.N. special envoy, Cyrus Vance, said recently that the United Nations does not have the resources to enforce its resolutions, and that is sadly true right now. But I do not think we can let it stop there, nor can the United Nations. The United Nations should determine what resources it would take, so it will know the costs of acting to enforce its resolutions, and then weigh that against the cost of not acting.

Our resolution Senate Resolution 306 was approved yesterday by the Foreign Relations Committee and it is now cleared for Senate passage. The United States cannot be the policeman of the world. What we can do is prod the international community to move toward enforcement of its own resolutions. World War I began in Sarajevo, and the conflagration going on there again can easily spread to surrounding areas, first to Kosova and Macedonia, and then beyond.

Time is short and this resolution is an important step in determining what it would take to give teeth to the U.N. Security Council resolutions. That is what they have to have, teeth. Without teeth they will merely be paper resolutions, and they will continue to be ignored until more and more of Europe, and then the world, becomes involved.

Mr. President, this resolution was cleared yesterday evening on both sides. I do not believe that there is anyone else who wishes to speak on the resolution at this time.

The PRESIDING OFFICER (Mr. KOHL). Is there further debate on the resolution?

If there is no objection, the committee amendment to the resolution is agreed to.

The question is on agreeing to the resolution, as amended.

The resolution as amended, was agreed to.

The preamble was agreed to.

The resolution (S. Res. 306), with its preamble, is as follows:

#### S. RES. 306

Whereas continuing hostilities in the former republics of Yugoslavia are killing thousands of noncombatants, displacing hundreds of thousands of civilians, and causing massive destruction and starvation;

Whereas there is a threat of ever-widening conflict in the republics of the former nation of Yugoslavia, which conflict could extend to other nations in the region;

Whereas resolutions of the United Nations Security Council denouncing the hostilities in the former republics of Yugoslavia, and demanding that they cease, have not been heeded;

Whereas the United Nations Security Council, under Chapter VII of the Charter of the United Nations, has adopted Resolution 757, imposing sanctions on the Yugoslav government, and requesting that the Secretary General work to create a security zone to assure unimpeded delivery of humanitarian supplies to Sarajevo and other destinations in Bosnia and Herzegovina;

Whereas the United Nations Security Council may, under Chapter VII of the United Nations Charter, make plans for the application of armed force to maintain or restore international peace and security, and the United States and other permanent members of the Security Council may veto resolutions of the Security Council;

Whereas officials of the United Nations and the United States have not determined what resources would be required to enforce a cessation of hostilities and bring peace to the former republics of Yugoslavia and, specifically, to enforce Resolution 757;

Whereas knowledge of the resources and military forces needed for such a task would enable the United States and other nations to make an informed judgment about how to take such action;

Whereas the process of devising a plan and budget for such action could, in itself, signal greater resolve at the United Nations to take action; and

Whereas the United States cannot and should not be the world's policeman, but is the one nation with the moral authority and military strength to provide leadership at the United Nations for stronger international coalition efforts to enforce peace: Now, therefore, be it

*Resolved*, That the Senate calls upon the President of the United States to urge the United Nations Security Council to direct the Secretary General of the United Nations to provide a plan and budget for such intervention as may be necessary to enforce the Security Council resolutions seeking cessation of hostilities in the former republics of Yugoslavia.

SEC. 2. The Secretary of the Senate shall transmit this resolution to the President.

Mr. LEVIN. I move to reconsider the vote.

Mr. MITCHELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEVIN. I thank the Chair. I thank the majority leader and the Republican leader for the effort they put into this legislation. They and their staffs have been extraordinarily helpful.

Mr. SYMMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

#### THE YEAR OF THE WOMAN

Mr. SYMMS. Mr. President, 1992 has been declared the "Year of the Woman." You cannot miss that banner declaration these days, whether it is in some newspaper headline, a splashy feature on a news network, or on some TV talk show.

Women are running for the U.S. Senate, we are told in one breathless report after another; that it is a major breakthrough with history in the making.

But let us ask ourselves. Who is declaring 1992 the "Year of the Woman"? You guessed it. The Democrat candidates, their media allies, and the liberal women's groups.

Let us ask another question: Where were all these cheerleaders in 1990 when the Republican Party fielded an

impressive lineup of women candidates, including six well-qualified women running for the U.S. Senate, two of which happen to now be members of the President's administration, one a member of the Cabinet, and one the head of the SBA?

You did not hear anything in 1990 about that being the "Year of the Woman," and the reason is very simple. It is a good question, and do we know the answer? The media decided in 1990 that the Republican women were not the right women. They were not politically correct. They did not suit the political correctness of the American news rooms in general. They were too independent. They did not march in lockstep with every issue on the liberal agenda.

So instead of all the free publicity the Democratic candidates are reaping these days, the Republican women got nothing but a free cold shoulder.

Mr. President, a man who we all know very well and love and admire here in this body, Senate Republican leader BOB DOLE, has blown the whistle on this shameful double standard. In an excellent opinion piece in the Washington Post, Senator DOLE is right on the money when he says:

Republican women—whether they are pro-choice or whatever—never seem to merit the support of the groups that say they are so dedicated to electing more women to office, women who could have been already on the job, making a difference on Capitol Hill. \* \* \* It seems obvious that most of the self-styled women's groups are more interested in agendas than gender."

The same is true for the media.

Mr. President, I ask unanimous consent that at the end of my remarks, a copy of Senator DOLE's tell-it-like-it-is Washington Post editorial be included in the official RECORD; and I hope some of the cheerleaders finally figure out that 1990 was also the "Year of the Woman"—and it could have been a real history maker had the media given it half the hype that it is showering on the liberal women candidates this year.

The PRESIDING OFFICER. Without objection it is so ordered.

Mr. SYMMS. Mr. President, just an aside, in my home State of Idaho we are very proud to have a woman candidate running for the First Congressional District, Rachel Gilbert. She does not fit the mold of most of the liberal agenda of the women's groups in the country, but she fits the mold of the loggers, the miners, the farmers, the mainstream small businessmen, and she is doing very well as a candidate who has just gotten off the ground.

So I hope 1992 will see a broad range of various different women share in some of this limelight that we thus far have heard about by the cheerleaders in the media.

Mr. President, I thank the Chair for the time. I yield the floor.

#### EXHIBIT 1

[From the Washington Post, May 31, 1992]

#### IS AMERICA IGNORING GOP WOMEN?

(By Bob Dole)

As a proud resident of the only state in America with a woman U.S. senator, a woman U.S. representative and a woman governor, I fully understand that neither gender has a monopoly on any political office.

Unfortunately, when it comes to U.S. Senate elections, it appears that one party's women candidates do have a monopoly on the media's attention, as we are seeing again this year in the wide national coverage of women candidates in Pennsylvania and Illinois.

Despite a long record of nominating qualified, dynamic and distinguished women to run for the Senate, the Republican Party's female candidates have never enjoyed the unrelenting media and interest-group cheerleading we hear these days for women Democratic candidates. Apparently, the key to being taken seriously—to being declared a force for "change"—by the media and the so-called women's groups is a liberal agenda, not the female gender.

Now, don't get me wrong. I'm all for more women in government, and I have no problem with the Democrats nominating women candidates. Throughout my career in public service, I've worked with highly talented women—in the House, in the Senate and on the highest levels of my staff, including my longtime chief of staff and her fellow staff experts on health care, disabilities, nutrition, arms control, budget and tax policy. I also happen to be married to someone who knows a lot about being a woman in public service.

Across the nation, Americans are being deluged with television and newspaper stories proclaiming that 1992 will be a "breakthrough" year for women candidates. A recent editorial in a major newspaper raved about Democratic women candidates, declaring that "the fallout from the [Clarence] Thomas hearings has produced viable female Senate candidates in a half-dozen states. That's welcome evidence of progress." Like nearly every story on women candidates, the editorial ignores the fact that well-qualified women were running for the Senate long before anyone ever heard of Anita Hill. And why should "welcome progress" be defined by the number of women candidates from the Democratic Party?

There was all the media cheerleading in 1990, a banner year for women candidates, when a half-dozen Republican women—well-qualified women with serious messages—were running hard for the Senate? These top-flight candidates included Sen. Nancy Kassebaum of Kansas; U.S. Reps. Lynn Martin of Illinois, Pat Saiki of Hawaii and Claudine Schneider of Rhode Island; a New Jersey state official, Christine Whitman; and a prosecutor from Delaware, Jane Brady—not exactly an unseasoned lot of public servants.

How many stories did you see in 1990 pointing out that these six outstanding women were running for the Senate as Republicans, while the Democrats were fielding only two women candidates? Instead of rave editorials and "breakthrough" stories, the media turned on its censorship machine, keeping America in the dark about the historic field of women candidates taking on the status quo. Kassebaum was reelected, but when all five women challengers were defeated by their male opponents there was no editorial out-cry that the old boy network had pre-

vailed again. (Let me add that two of these talented women now serve in the Bush administration—Lynn Martin as secretary of labor and Pat Saiki as head of the Small Business Administration.)

And when Republicans, long before the Thomas-Hill hearings, introduced comprehensive women's-rights legislation—including the first-ever monetary remedies for sexual harassment in the workplace, specific provisions to fight violence against women and the first proposal dealing with corporate discrimination against women—the media gave the plan nothing but the cold shoulder. Regrettably for America's working women, women's rights and Republicans simply don't mix in our nation's newsrooms.

Let's face the facts. Democratic U.S. Senate nominees Carol Moseley Braun and Lynn Yeakel are fast becoming household names. But when was the last time you saw a story on Charlene Haar, another so-called "outsider" who happens to be the Republican U.S. Senate candidate in South Dakota? Notwithstanding a fine opponent, did the Republican former mayor of Charlotte, Sue Myrick, get the same kind of free national hype before North Carolina's Senate primary that we saw in Pennsylvania on the Democratic side?

How many stories have you seen pointing out that since 1980, Republicans have nominated more women to run for the Senate than have the Democrats? Have you ever heard that women have been the Republican U.S. Senate nominee in New Jersey three out of the four most recent elections? Or that despite being outspent by nearly \$9 million, Christine Whitman came within three points of unseating an incumbent Garden State senator in 1990? If she had gotten half the media attention Lynn Yeakel has, Christine Whitman might very well be sitting in the Senate today.

Unfortunately, it seems that the media and a few special interest groups have decided that Republican women are not "politically correct." Whether they meet some groups' self-proclaimed litmus tests or not, qualified Republican women—whether they are pro-choice or whatever—never seem to merit the support of the groups that say they are so dedicated to electing more women to office, women who could have been already on the job, making a difference on Capitol Hill.

In fact, time and time again, the so-called liberal women's organizations such as the National Women's Political Caucus have done everything possible to defeat talented Republican candidates. There are many fine women's organizations in America, some of which supported these candidates, but it seems obvious that most of the self-styled women's groups are more interested in agendas than gender.

So the next time you hear criticism of the "98 percent male" Senate, or statements that we need "more women" in the Senate, ask yourself whose fault that really is. The female candidates have been there. Regrettably, the votes, the attention and the political will have not.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

#### WORKPLACE FAIRNESS ACT

The PRESIDING OFFICER. Under the previous order, the Senate will re-

some consideration of S. 55, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 55) to amend the National Labor Relations Act and the Railway Labor Act to prevent discrimination based on participation in labor disputes.

The Senate resumed consideration of the bill.

#### MODIFICATION TO COMMITTEE SUBSTITUTE TO S. 55

Mr. MITCHELL. Mr. President, on behalf of the Committee on Labor and Human Resources, and at the request of the Chairman, I send to the desk a modification of the committee substitute.

I advise the Chair and my colleagues that the majority of the members of the Committee on Labor and Human Resources have authorized me to present and make this modification.

The PRESIDING OFFICER. The amendment is so modified.

The modification to committee substitute to S. 55 is as follows:

#### MODIFICATION TO COMMITTEE SUBSTITUTE TO S. 55

(Purpose: To amend the National Labor Relations Act to protect employees against discrimination based on participation in labor disputes)

In lieu of the matter proposed to be inserted, insert the following:

#### SECTION 1. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF LABOR DISPUTES.

Section 8(a) of the National Labor Relations Act (29 U.S.C. 158(a)) is amended—

(1) by striking the period at the end of paragraph (5) and inserting “; or”; and

(2) by adding at the end thereof the following new paragraph:

“(6) to promise, to threaten, or take other action—

“(i) to hire a permanent replacement for an employee who—

“(A) at the commencement of a labor dispute was an employee of the employer in a bargaining unit in which a labor organization was the certified or recognized exclusive representative or, on the basis of written authorizations by a majority of the unit employees, was seeking to be so certified or recognized; and

“(B) in connection with that dispute has engaged in concerted activities for the purpose of collective bargaining or other mutual aid or protection through that labor organization; or

“(ii) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of subparagraph (A) and (B) of clause (i) and who is working for or has unconditionally offered to return to work for the employer, out of a preference for any other individual that is based on the fact that the individual is performing, has performed or has indicated a willingness to perform bargaining unit work for the employer during the labor dispute.

“(iii) (A) The provisions of subsections (i) and (ii) shall not apply to a strike by a labor organization covered by those subsections over the striking employees' wages, hours or other terms and conditions of employment, unless the labor organization, at least seven

calendar days before engaging in any such strike, serves a written notice upon the employer stating the labor organization's willingness to submit all unresolved issues in the dispute to a fact-finding board as set forth in subsection (B). A copy of the union's notice shall be mailed to the Federal Mediation and Conciliation Service.

“(B) If the labor organization serves notice as provided in subsection (A), the employer shall respond within seven calendar days and shall mail a copy of its response to the Federal Mediation and Conciliation Service. If the employer does not accept the union's offer to submit the unresolved issues to fact-finding, the provisions of sections (i) and (ii) shall apply for the duration of the labor dispute. If the employer does accept that offer, the dispute shall be submitted to a fact-finding board of the kind provided for in Section 1207(b) of Title 39 of the United States Code but constituted of one member representing the labor organization, one member representing the employer, and one neutral member experienced in fact-finding and interest arbitration all selected within ten calendar days in the manner provided for in Section 1207(c)(1) of that title. The fact-finding board shall conduct a hearing of the kind required by Section 1207(c)(2) of Title 39 and shall within 45 calendar days after its appointment issue a report of its findings and of its recommendations for settling the unresolved issues so as to achieve a prompt, peaceful and just settlement of the dispute. By agreeing to submit all unresolved issues to fact-finding as provided in this section, the parties shall be deemed to have made an agreement, enforceable under Section 185 of Title 29, United States Code that:

“(i) the parties' preexisting collective bargaining agreement, if any, or the existing wages, hours, and other terms and conditions of employment in effect at the time of the union's offer to submit the dispute to fact-finding, shall be extended from the date of the union's offer to utilize those procedures until the earlier of 45 calendar days after the board is appointed or until the fact-finding board issues its report, provided that if the fact-finding report issues within 45 calendar days of the board's appointment, the collective bargaining agreement or preexisting employment conditions shall continue in effect for an additional seven calendar days;

“(ii) during this time period, there shall be no strike or lockout over any issue submitted to the fact-finding board or that is otherwise prohibited by the parties' preexisting collective bargaining agreement.

“(C) Within seven calendar days after a fact-finding board issues its report, the employer and the labor organization shall serve written notice on the Federal Mediation and Conciliation Service stating whether the party accepts the fact-finding recommendations. At the conclusion of the seven-day period, the Federal Mediation and Conciliation Service shall notify the parties as to whether the labor organization and/or the employer has accepted the board's recommendations. If both the labor organization and the employer have so accepted, the fact-finding recommendations as to all unresolved issues, and the parties' agreement on all issues that were resolved by agreement, shall be deemed to be a collective bargaining agreement between the employer and the labor organization enforceable pursuant to section 185 of this title. Should the parties be unable to reach agreement on reducing that contract to writing, either party may request the fact-finding board to supplement its initial report with the necessary contractual lan-

guage. The resulting agreement shall be deemed to have a duration of two years unless the fact finding recommendations are for a lesser duration.

“(D) If, within seven calendar days after a fact-finding board submits its report and recommendation, the labor organization serves written notice to the Federal Mediation and Conciliation Service of the labor organization's acceptance of the recommendations of the fact-finding board and the employer does not serve written notice of a like acceptance, the provisions of subsections (i) and (ii) shall apply from the earlier of the dates on which the fact-finding report was issued or was due to be issued under subsection (A). The provisions of subsection (i) and (ii) shall not apply after a fact-finding report issues if the labor organization fails to serve written notice of an acceptance of the fact-finding recommendations during the seven-day period, provided that if neither the labor organization nor the employer serves such written notice during the seven-day period and the labor organization thereafter serves such written notice upon the employer, the provisions of subsections (i) and (ii) shall apply with respect to any actions taken by the employer on and after the date the employer receives the labor organization's offer.”.

#### SEC. 2. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF RAILWAY LABOR DISPUTES.

Paragraph Fourth of section 2 of the Railway Labor Act (45 U.S.C. 152) is amended—

(1) by inserting “(a)” “Fourth.”; and

(2) by adding at the end thereof the following:

“(b) No carrier, or officer or agent of the carrier, shall promise, threaten or take other action—

“(1) to hire a permanent replacement for an employee who—

“(A) at the commencement of a dispute was an employee of the carrier in a craft or class in which a labor organization was the designated or authorized representative or, on the basis of written authorizations by a majority of the craft or class, was seeking to be so designated or authorized; and

“(B) in connection with that dispute has exercised the right to join, to organize, to assist in organizing, or to bargain collectively through that labor organization; or

“(2) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of subparagraphs (A) and (B) of paragraph (1) and who is working for or has unconditionally offered to return to work for the carrier, out of a preference for any other individual that is based on the fact that the individual is employed, was employed, or indicated a willingness to be employed during the dispute.

“(3) The provision of subsection (1) and (2) shall not apply:

“(A) to a strike which commences after an Emergency Board appointed pursuant to section 10 of this Act (45 U.S.C. section 160) issues a report as provided for in section 10 of this Act, unless, in written notices filed with the National Mediation Board within 20 days after the Emergency Board issues its report, the labor organization accepts and the carrier does not accept the Emergency Board's recommendations; provided that if both the labor organization and the carrier fail to accept the Emergency Board's recommendations within such 20 day period, and the labor organization thereafter files a written notice of acceptance with the National Mediation Board and the carrier, the provisions of subsections (1) and (2) shall apply with respect to any actions taken by the carrier on

or after the date the carrier receives the labor organization's notice: *Provided further*, That if both the labor organization and the carrier accept the recommendations of the Emergency Board, those recommendations as to all unresolved issues shall be deemed to be an agreement between the carrier and the labor organization; Should the parties be unable to agree on reducing the agreement to writing, either party may request the Emergency Board to supplement its initial report with the necessary contractual language.

"(B) to a strike which commences after an Emergency Board appointed pursuant to section 9A(e) of this Act (45 U.S.C. section 9A(e)) selects the final offer submitted by the carrier."

The PRESIDING OFFICER. The pending question is on the committee substitute, as modified.

#### CLOTURE MOTION

Mr. MITCHELL. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the committee substitute for S. 55, a bill to amend the National Labor Relations Act and the Railway Labor Act to prevent discrimination based on participation in labor disputes:

George Mitchell, Howard M. Metzenbaum, Paul Wellstone, Claiborne Pell, Paul Simon, Alan Cranston, Bill Bradley, Harris Wofford, Daniel P. Moynihan, Tom Daschle, Daniel K. Inouye, Barbara A. Mikulski, John F. Kerry, Al Gore, Carl Levin, Max Baucus.

Mr. HEFLIN. Mr. President, the filibuster continues against the striker replacement bill. I support cloture with the hope that this proposed legislation be considered and enacted in a compromise approach. It is my hope that the special interests of management and labor be subordinated to what is best for our Nation.

Senator PACKWOOD has introduced an amendment which appears to be a good compromise approach as well as an effort to substantially reduce strikes in the future. If we can get down to business about producing a striker replacement bill which is in the best interest of the American public, I think adjustments and refinements can be made to the Packwood amendment which could settle this issue in a manner that brings fairness to both labor and management and doesn't give an advantage to one over the other.

The Packwood amendment provides that before a strike takes place that the Federal Mediation and Conciliation Service can be brought in to arbitrate a labor-management dispute on economic issues. This amendment provides that if labor refuses to accept the arbi-

tration decision and strikes then management has the right to hire striker replacement workers on a permanent basis. In the event management refuses to accept the arbitration decision then labor has the right to strike and management cannot hire striker replacement workers on a permanent basis.

The compromise sought by the Packwood amendment in no way affects the right of management to hire striker replacements on a temporary basis.

I believe this compromise amendment is not only a good solution to the striker replacement worker dispute but is a substantial step forward toward reducing strikes in the future. America's best interest is served when we have fewer strikes.

Recently, history reflects there is a growing trend to hire permanent workers to take the place of previous permanent labor that was employed before a strike. This trend or even the threat to replace former permanent workers can have a harmful effect on collective-bargaining. The vast majority of the American people believe in the concept of collective bargaining and I feel that it is in the interest of the American public that the collective-bargaining process remain strong.

I am convinced that the vast majority of the American people believe strikes should not be conducted except as a last-ditch effort to reach a collective-bargaining agreement. The Packwood amendment adds further safeguard procedures against unwarranted and frivolous strikes. However, the right to strike to obtain reasonable wages and good working conditions is essential to achieving a collective-bargaining agreement under certain circumstances. If the right to strike is nullified by the right on the part of management to fire on a permanent basis then the present balance in collective bargaining between labor and management is tilted substantially in favor of management. The Packwood amendment is a good compromise and produces a level playing field in the collective-bargaining game as well as creating a substantial deterrent against unwarranted and frivolous strikes.

I am convinced that a compromise is in the best interest of the American public and, therefore, support cloture so that the Packwood compromise concept can be carefully considered and perhaps refined.

#### ORDERS FOR MONDAY, JUNE 15, 1992, AND TUESDAY, JUNE 16, 1992

Mr. MITCHELL. Mr. President, I ask unanimous consent that the vote on the motion to invoke cloture on the committee substitute amendment to S. 55 occur at 2:15 p.m., on Tuesday, June 16; that the live quorum pursuant to rule XXII be waived; and that Senators may file first-degree amendments until

2:15 p.m. on Monday, June 15, and may file second-degree amendments until 12:30 p.m. on Tuesday, June 16; I further ask unanimous consent that the Senate stand in recess from 12:30 p.m. until 2:15 p.m. on Tuesday, June 16, for the two party luncheon conferences.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### SCHEDULE

Mr. MITCHELL. Mr. President, accordingly, there will be no rollcall votes today and there will be no rollcall votes on Monday. The next vote will occur at 2:15 p.m. on Tuesday on the motion to invoke cloture on the committee substitute amendment to S. 55, which I have just filed.

The measure remains before the Senate and is open to debate today for any Senator who wishes to address that subject.

We will be in session Monday afternoon during which time there may be further debate on the measure if any Senators choose to do so at that time.

#### ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, I am advised by the managers and by the Senator from Kansas here in behalf of the minority on this matter that there are no Senators known at this time who wish to offer amendments to S. 55, the committee substitute to S. 55 which is now pending, and that there are no Senators who are here wishing to debate that bill at this time.

I want to make certain that there was ample opportunity for debate on that bill, and for Senators to offer amendments who wish to do so. But I am advised on both sides that there are no Senators who either wish to amend or debate that bill.

#### MORNING BUSINESS

Mr. MITCHELL. Accordingly, I now ask unanimous consent that there now be a period for morning business with Senators permitted to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Massachusetts.

#### PRESIDENT BUSH AND THE SUMMIT IN RIO

Mr. KERRY. Mr. President, earlier in the week I returned with a number of my colleagues from Rio de Janeiro, where we attended as members of the Senate delegation, the U.N. Conference on the Environment and Development, which is better known as the Earth summit.

As the Chair well knows, the U.S. Senate is responsible for advising and consenting to any treaties signed by a President, and it has been a practice in recent years for Members of the Senate in arms control and other areas—and a custom for the Senate, certainly in recent times and particularly with respect to arms control—to have Senate delegations observing the ongoing process as the treaty emerges.

I think it has been particularly helpful in allowing the Senate to have a much better sense of what the product at the end may be, but also to feed into the process. During the course of the time that we were in Rio we met with EPA Administrator Reilly on a number of occasions. We had occasion to meet with Maurice Strong, who is the Secretary General of the conference for the United Nations; with a number of ambassadors from important countries that are dealing with similar issues on the environment as we are.

I want to report back to my colleagues that it was both a fascinating and a very frustrating experience. It was fascinating because of the extraordinary number and the variety and the profound importance of the subjects under discussion, and because of the number of nations and cultures and perspectives that were represented in those discussions; and because of the progress that I do believe will result from just the fact that the summit in Rio is taking place. I think sometimes we get so close to events that we find it hard to really focus on the historical importance of those events.

But I believe that the very fact that 120 or so heads of state are getting together in one place at one time to discuss the future health and stability of the global environment is a monumental achievement, and it ought to give hope to even the most cynical and the most pessimistic that these serious issues are not going to be ignored.

I personally regret that, until the last couple of days, the subject of population control and world growth in population was not at the center of this conference, as I think it really ought to have been. There are a lot of reasons for that. One of them, obviously, is the influence of certain religions, certain churches, on the willingness of people in political life to deal with that issue in the way that we ought to.

I personally feel, as a Catholic, that I wish we could separate that which is religious belief, personal belief, from the political dialog, if you will, or at least that we would not have a veto imposed by one institution or a small group of institutions over the body politic of the world. It seems to me that it is possible for us to share beliefs and to pursue those beliefs, while at the same time allowing certain kinds of political issues to be able to play themselves out in a way that is not directly confrontational or inimicable to those deeply held religious beliefs.

I think it is vital for us to begin to think hard about the direction this planet is taking in terms of population growth. You cannot talk about sustainable development. You cannot talk about democracy emerging in some of these countries, where you have 2 or 3 million people in one slum, for example, in Rio de Janeiro, piled on top of each other, incapable of pursuing the fundamentals of life without taking the population explosion into account. And you can't talk about U.S. leadership on the environment without understanding that all of those people are looking to the United States which is 5 or 6 percent of the world's population, but consuming 20 to 25 percent of the world's energy, and looking at the total industrial world which, altogether, consumes some 75 percent of the world energy, and wondering whether they will ever have the opportunity to develop themselves without totally exhausting our planet's ability to sustain life.

There was, despite the very fascinating side of this conference, a very frustrating side, and that was really the role that we played as a country, or did not play, as the case may be, and I regret that. It was a source of frustration as I met with thoughtful people from other countries—the Ambassador from India; the Ambassador from our neighbor, Mexico; the Ambassador of Japan; and a host of other people who are part of the global forum—all of whom looked at us quizzically as representatives of our country and said, "What are you folks doing? Why are you a problem here? Why is it that the country that we admire so, which has shown such leadership, is perceived here in Rio as being a stumbling block?"

I felt a sense of sorrow that what should have been really a moment of triumph and leadership and respect for the United States has turned into something of an international fiasco. It is my personal belief that with strong leadership, we could have trumpeted the environmental record of the United States, which although not entirely what I would like it to be, is still, since the Stockholm conference of 1972, one of the best environmental records in the world. That is a fact. But you would not know it on the basis of the way we have behaved in Rio.

With stronger leadership we could have become deeply and aggressively engaged in negotiations at a high level and succeeded in having our legitimate concerns about funding and intellectual property rights respected, we could have helped forge a strategy for building a consensus around those issues, step-by-step, as well as in the areas of global climate change, biodiversity, forest management, and ocean pollution. Instead, we were viewed as really unwilling to play.

I think President Bush has raised legitimate issues about the funding

mechanism, and he has raised legitimate issues about intellectual property. It is important for us in this country to understand precisely how those rights will play out with respect to development in terms of future drugs and future products which may come out of the rain forests. We should be clear about it, and the U.S. Senate should not be forced to sign a treaty that is not clear about those matters.

What I regret is that the possible legitimacy of the President's position on several issues was lost by virtue of the fact that everybody within the community knew and understood that we had chosen basically not to play. There were a series of meetings called the Prepcom, and those took place in New York, Nairobi, Washington, all of which led up to the meeting in Rio. Because we were so recalcitrant in our participation in those meetings, most of the world community had divined that we did not want this to happen, that we were not truly participants. As a consequence of that, we created our own box in which we now find ourselves in Rio.

It is unfortunate. It is also unnecessary. We could have helped the Rio summit to accomplish great things. Instead, the summit will accomplish good things, but it will do so with too little help from the United States and with far too little credit going to the United States.

I think the fact that the administration chose to play it out this way is regrettable, both diplomatically and substantively, and I think unfortunately, probably, they will reap some of the downside of that politically. But I certainly hope that during the course of today, in about an hour or 2 hours, the President will address the plenary, and I hope that in the course of this weekend, the President will undertake to turn things around in a way that will reassure the world community about America's very real commitment to international cooperation on environmental matters.

But I say, Mr. President, that words alone in a speech today will not do that. Policies and attitudes must change. Unfortunately, some of the President's advisers appeared to have persuaded him to adopt a somewhat ideological view of the Rio summit. Under that view, there is essentially no real reason to try to reach agreements with other countries, because it is deemed under that view that those interests are inherently different and hostile to our own. Under that view, less developed nations are thought to be interested only in making demands on the United States; Europe and Japan are interested only in competitive advantage; and every environmental commitment requires an economic sacrifice that we cannot afford. That is the view. And that is the view that, in a sense, has been held out to most of us in this country.

Clearly, there are those in the administration—and I think it is important to note this—at EPA, at CEQ, and in the Department of State, who do not share that view. They may not support every single proposal put forward by other countries, but they are diligent, capable, skilled negotiators, thoughtful people, who are ready to seek compromise and who I think want to make every effort to make the summit and other international negotiations successful.

Unfortunately, this sensible middle-ground position has not prevailed, and the result has been a needless public relations setback for the United States. The responsibility for the administration's failure, as it has been deemed to be thus far in Rio, I think ultimately, obviously, lies with the President, because he chooses who to listen to. But I think if you look at the record, it is clear that we had a false distinction made between environmental progress and jobs. I want to take a moment to talk about that.

Again and again in the course of the last few weeks the President has said, "I am not going to sign something that costs us jobs. I am not going to engage in a process that loses jobs for American citizens." Well, I applaud the President for being concerned about jobs for American citizens.

But to equate the loss of jobs with the embracing of environmental policies is not only unimaginative, it is flatout, 100-percent wrong. And it is wrong in a way that is potentially very damaging to the United States.

I say this, Mr. President, because environmentally friendly and sustainable technologies include some of the most exciting and growth-oriented industries in the world today. It is a \$200-billion-a-year business and it is headed for \$300 billion by the end of this decade.

Let me say that again: Within the next 8 years, this \$200-billion-a-year business will become a \$300-billion-a-year business, and it is an area where the United States began with a 40-percent share and an enormous capacity to expand. But the President, for some reason, does not seem willing to embrace this.

And I can assure you that when I was down in Rio, it just leapt out at me, the degree to which the Japanese and the Germans and all of the Europeans have accepted this.

Mr. President, there were 700 accredited Japanese business representatives at this conference. There were some 30 or so from the United States, half of whom, incidentally, I think came from my State, Massachusetts. They were there on their own, trying to hold what is now 40 percent of the share of the world's market held by the United States. There were 700 Japanese entities down there saying "We are going to be the world's leader in this effort,"

because MITI and the Japanese Government have made a conscious decision that these are the jobs of the future.

You do not see the Japanese or the Germans or the European Economic Community whining and bellyaching about environmental agreements. Eight years ago I traveled to Germany when I was Lieutenant Governor of Massachusetts and responsible for the National Governors Association policy on acid rain. I found a country where the equivalent of our Associated Industries of Massachusetts had voluntarily adopted a policy in order to save their forests, that they were going to retrofit every single business in the nation with scrubbers. They were going to do it without a tax break, without loans and grants, solely by going to the private credit market. And they did it.

I asked the head of this industry effort, who was indeed the CEO of a big company, I said to him, "Why are you doing this? How can you afford to do this?" And his answer to me 8 years ago was, "We can't afford not to do it."

We continued for years after that to hear people in this country arguing about the science on which these people had already made a conscious decision to make this kind of change. Now again and again in Rio, I heard country after country talk to us about their acknowledgment that we have to change the way we are doing these kinds of things. You see these countries out there working to enhance their reputation on the environment, to increase their share of the market for environmentally related goods, to create the kind of jobs that are going to sustain us in the long run, the kind of high value-added job that raises people's standard of living and is actually the kind of jobs which we need more of in the United States.

I was truly shocked to see the level of commitment from these other countries compared to our own; 700 Japanese, 30 or so from our companies.

Do you know how many people are in the traveling party of the President of the United States for a 1-day visit? I understand there are about 600—600 Secret Service, members of the delegation, hangers-on, all kinds of people cramming into all kinds of hotels at the last minute compared to this prolonged commitment from Japan. I just think that is an extraordinary statement about our level of commitment and understanding of what is happening in the world.

And there is not one issue on which it is not happening, whether it is the question of deforestation, desertification in Africa, the whole issue of ocean pollution, the question of overfishing, which we are currently engaged in, the extraordinary depleting of resources around the world as a consequence of our current energy policies.

We are one of the few nations in the world that subsidizes energy use the way we do, but we continue to do it.

What became very clear to me in Rio was that most of these other countries have advanced their thinking and their courage to a point where they are willing to embrace new lifestyles. Now when we talk about new lifestyles in this country, we tend to let Americans think that means we are going to diminish their current standard of living. A new lifestyle does not have to diminish your standard of living at all.

If you decide that you are going to switch from incandescent light bulbs to fluorescent light bulbs that have a 30-year span of life, you have not changed your capacity to read or to light your house. You have not changed your quality of life. If anything, you have improved your quality of life because you will have done so in a way that leaves a better environmental legacy for your children and grandchildren.

We are not posing those kinds of choices to Americans, Mr. President. We are scared to. And that came home to me in spades in the course of the discussions that we had in Rio, that we need to begin to talk sense to the American people about how we are making choices in the marketplace and how we are leading our lives.

In my own State of Massachusetts, company after company is aware of this potential for new products and for new technologies that will make efficient use of our natural resources and that will clean up past environmental mistakes or that safeguard the health and safety of our workers and our communities. I just ask people to think about that.

I mean here we are in a country with all kinds of work safety problems, a country that has to clean up countless messes that we have made from nuclear technology, from hazardous wastes. Would it not be easier to develop technologies that do not make that mess in the first place?

For years in this country we defined a threat to ourselves in the context of the cold war and the Soviet Union. It was legitimate. We decided that in order to safeguard our future, we had to put many billions of dollars into weapons to defend ourselves. And so we designed a lot of weapons. Some of them just sat in the ground, not a big spinoff in terms of the economy. That was because we defined the threat.

We took the money, put it out there and said, we need somebody to design a missile. So somebody designed a missile and a company named Raytheon in Massachusetts, or EE&G or Boeing or McDonnell Douglas, or whoever put a lot of people to work and made a lot of money.

Because the Federal Government defined the threat and held out this pot of gold, and the technology—the entrepreneurial spirit of America—followed

the pot of gold. It will not work any differently with respect to the environment.

If we will define the threat, which is air that we cannot breathe adequately that gives us lung cancer, if we will define the threat as food that is not nutritional, if we will define the threat as the destruction of forests because we need wood to build houses, or whatever, or they remove it for cattle, because we are going to eat more meat—surely we can begin to think of ways that will attract the entrepreneurial spirit to the creation of a whole new set of products that are environmentally friendly and which meet that threat.

And in doing so, Mr. President, we can put millions of people to work, create the next generation of green millionaires and billionaires, and change our lifestyles, if you will.

Those are the kinds of choices that a President of the United States ought to be talking about in the context of Rio; about how we are going to be the leader of the world in what is our greatest asset, our human resources, by putting them to work and defining these new technologies.

It amazes me to hear the President define his opposition to combating global climate change on economic grounds, when the administration's own studies indicate that we can maintain the emissions of CO<sub>2</sub> at 1990 levels without any net loss of jobs; and, according to an EPA Commission study, the Clean Air Act amendments of 1990, which will help reduce CO<sub>2</sub> and other greenhouse gas emissions, could generate \$50 billion in new business, in new revenues, in this country.

The 1990 Clean Air Act regulations, which they are still seeking to get out from under, will create \$50 billion of new revenues in this country.

So we should have learned long ago that delaying necessary environmental protection measures is disastrous economic policy. It is disastrous not just because it slows the development of new environmental technologies but because it adds immeasurably, ultimately, to the cost and difficulty of choices that simply cannot be avoided.

How much wiser it would have been if we had acted before, rather than after, acid rain had poisoned lakes and damaged forests throughout the Northeast. How much cheaper it would have been if we had taken the time to design nuclear weapons plants that did not leak radioactive and other toxic materials into the surrounding land and water. How much easier it would have been, 10 or 20 years ago, to carry out timber policies in the Northwest that would have provided both for jobs and for habitat critical to the endangered species.

A great deal of the world community has come to understand what I believe the majority of the American people

understand, and that is that the President is not offering us a choice between economic and environmental well-being, but between doing what is necessary now or waiting to do it at greater cost and at greater hardship later. It is a choice between embracing the future or clinging to the past; a choice between responsibility and retreat.

Whatever the President may or may not do during his visit to Brazil, the message from the Rio summit is real, and it will not go away. The world is changing, and old habits have to change with it.

The natural limits of our environment must inevitably affect the way we live in America next year and in the next century. And those changes are going to alter our lifestyles, although, as I said earlier, they need not diminish at all our standard of living.

But the days of endless, mindless consumption have to be challenged. Our reliance on fossil-based fuels has to be challenged. The ticking time bomb of population growth has to be confronted. New technologies and whole new industries have to arise out of the need for conservation, recycling, clean production, and the use of renewable fuels.

I do not believe the American people fear those changes. I think they welcome them. And I think they understand far better than the President what it will mean for our children and our grandchildren if we continue blithely along, as we have in the past. I think they understand far better than the President's more extreme advisers what the real message, the deeper message of Rio is all about.

For long after the headlines about petty maneuvering and leaked memos have become part of history, we are going to be looking back to Rio as a source of inspiration, and a basis for understanding that our lives are becoming less and less insulated by national borders; that we have more in common with the people of the world, of other countries, than we may have thought. And we better care deeply about even the poorest and most desperate among them, because on their fate ultimately hangs our own.

We are joined together in a set of environmental choices that link us inextricably. We can either decide to face those choices responsibly now, or we can have them forced upon us, or on the next generation. I hope, indeed, that will not be our legacy.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Kansas.

#### THE RIO SUMMIT

Mrs. KASSEBAUM. Mr. President, first I would like to say I found the comments of the Senator from Massachusetts very thoughtful and very in-

teresting; much I would agree with. I would only say, however, I think one comment he made is so very true. There was an opportunity for us at this Rio summit to tell the important story of what we have done in this country on environment. Our clean air and clear water legislation and our endangered species legislation has really been, I think, pioneering—in the legislative arena, anyway—regarding environmental questions.

I am not sure that, at the Rio summit, there would have even been an opportunity to be heard, necessarily, in a thoughtful manner. It seems to me from what I have read—and it was interesting to hear, because obviously Senator KERRY was there—that it was not designed, necessarily, unfortunately, to be one in which there could have been a thoughtful opportunity to explore in a more constructive manner some of the desires and needs that I think obviously he spoke to in a very eloquent way.

But I just suggest that President Bush has cared about and has wanted to see a strong environmental record. There are ways, certainly, we can work on it to improve that. And part of it is to lay out a road map that shows how it can be done in a constructive and positive way; one that can continue to serve as a guideline for other nations as they struggle to find their opportunity in the environmental field. And it must be done in those countries.

But I found it very thoughtful. I only would suggest that sometimes it is the setting and environment itself of a conference of that magnitude that does not lend itself to thoughtful discussion.

(The remarks of Mrs. KASSEBAUM pertaining to the introduction of S. 2845 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Republican leader is recognized.

#### PUBLIC TV'S GAY AND LESBIAN VARIETY SHOW: MORE QUALITY PROGRAMMING?

Mr. DOLE. Mr. President, 1 week ago the Senate voted to give the Corporation for Public Broadcasting an extremely generous 50-percent increase for the years 1994 through 1996.

The bottom line for the American taxpayers comes to \$1.1 billion. That is a lot of money—even for public TV and radio.

I opposed that 50-percent increase on the grounds that it was excessive, that the public broadcasting system was no longer accountable to the taxpayers, and that it has refused to broaden its programming horizons beyond far out liberal themes.

But "Oh no! no! no!" the big public broadcasting apologists cried, "We need the taxpayers' money to maintain 'quality programming,' the kind of

quality you just cannot find anywhere else."

This week, after the \$1.1 billion authorization passed the Senate with all kinds of fanfare, we finally found out what some of that money is paying for.

It is to help fund new shows, new shows such as "In the Life," a 1-hour "variety show" for gays and lesbians.

According to USA Today, it is like an "Ed Sullivan Show" for gays. And it is coming to your living rooms on June 22.

It is reportedly scheduled for regular programming, too, up to 12 shows per month beginning in the fall.

Mr. President, is this the kind of programming taxpayers and public TV contributors have in mind? I do not think so.

Is this what they had in mind when they sent in their moneys? Is this what the taxpayers had in mind when they gave their hard-earned dollars to PBS?

Is this the entertainment Americans cannot live without?

Is this the kind of "programming imperative" that all those public broadcasting defenders were boasting about for the past few months in their editorials, columns, speeches, and interviews?

It seems that the broadcasting apologists are hiding behind "Big Bird, Mister Rogers, and Masterpiece Theater," laying down their quality smokescreen while they shovel out funding for gay and lesbian variety shows, all those doom and gloom reports about what is wrong with America, and all the other liberal cheerleading we see on public television.

Somehow, while the public broadcasting establishment was in its all-out quality lobbying for \$1.1 billion, we did not hear one word, not one word, about "In the Life"—this new program. I wonder why?

Mr. President, the good news is, there will come a day when all this will end; when the people find out that they have been played for a sucker; when the American taxpayer says, "enough is enough!"

Then we will end all the doubletalk about quality programming. And then, perhaps, the taxpayers will finally get their money's worth.

#### BALANCED BUDGET AMENDMENT

Mr. DOLE. Mr. President, yesterday, unfortunately, the House rejected by a very narrow margin, by nine votes, a balanced budget amendment. I think the irony of it is that 12 Democratic Members, who cosponsored the balanced budget amendment, because of the heavy pressure—extreme pressure brought on them by the Democratic leadership and because of the opposition to the balanced budget amendment by Democratic leaders in the Senate and Democratic leaders in the House—they got 12 Democrats who co-

sponsored and told the people back home, "We are for a balanced budget amendment," to change their positions. Had these 12 Members of Congress, who are on some kind of honor roll, I guess, stuck with their guns, we would have had a balanced budget amendment coming to the Senate.

I think it is regrettable that the Democratic leadership on both sides, the Senate and the House, have been waging an all-out assault on a bill that the overwhelming majority of Americans want to see made a part of the Constitution, about 77 percent, the last time I checked. Then we had this unholy alliance of organized labor and the Chamber of Commerce. The Chamber of Commerce at the national level is totally ineffective, in any event. Labor is fairly effective. So they went out to defeat the amendment. I do not think the Chamber of Commerce got any votes, but maybe organized labor did.

So we had these special-interest people across the country calling us on the Senate side and the House side, jamming our telephones saying what a terrible thing it would be to have a balanced budget amendment.

Who is it going to be terrible for? Our grandchildren? Our children? Or some other generation that has to pick up the tab for our excesses? Maybe it is not perfect. Maybe it would not have worked. I think it would have. In my view, we take an oath to support the Constitution around here. If this were part of the Constitution and we did not follow our oath and did not support spending restraint, then I think the voters would have another reason—they do not need many more—to make changes in the Congress and to make certain somebody who said one thing and voted another way was not returned to either the House or the Senate.

The next Congress is going to be a whole new and different ballgame. There will be a lot of new faces, a lot of new Members, and if they do not pledge themselves to some special-interest group before they arrive, there will still be opportunities next year. But why wait until next year? Why not bring up the balanced budget amendment in the Senate? Why should we not go on record, every Republican and Democrat go on record, send it back to the House and I think, by that time, this honor roll of the courageous 12 who said one thing and did another might have second thoughts.

So I hope we can schedule the balanced budget amendment at the earliest possible time in the Senate. There is no reason we should not. This is a very important issue. Seventy-seven percent of the American people say, let us give it a shot. And the vote, as close as it was, nine votes—not many votes—is another reason we ought to vote on it, send it back to the House, and I think by that time there will be at

least nine Members or more who are willing to support a balanced budget amendment if we can pass it in the Senate. That is a big "if" because the leadership on the other side is opposed to it. But let us bring it up. Let all Members, Republicans, Democrats alike, make their speeches, cast their votes and see how it comes out. It seems to me this is no time to stop, no time to call it off just because the House fell a few votes short the first time around.

So it is my hope that we can have this scheduled, if not early this month, early next month on the Senate side. And we can demonstrate to the American people that we believe in fiscal responsibility, that we cannot predict precisely what will happen if the balanced budget amendment is passed but we believe, at least two-thirds of us believe, that it would bring about the fiscal discipline we need, all of us need. So I hope that the leadership will take a look at possibly scheduling it at the very earliest time.

#### SALUTE TO MARY ARNOLD

Mr. DOLE. Mr. President, in this political year of disagreements, there is one thing on which every Member of this body can agree—be they Republican or Democrat, conservative or liberal.

That is the fact that both sides of the aisle are fortunate to have such an outstanding floor staff. And for the past 9 years, one of the superstars of the Republican Cloakroom, has been Mary Arnold.

Over the past years, Mary somehow managed to juggle her Senate schedule with Georgetown Law School. I am proud to say that Mary received her law degree last month.

There are those who might say that the last thing Washington, DC, needs is another attorney.

But I am here to say that the legal profession will be well served by having an attorney of such dedication and commitment.

The law profession's gain, however, is the Senate's loss. Mary is leaving the Cloakroom for a position with Black, Manafort, & Stone here in Washington.

I know this body joins me in telling Mary that she leaves with our congratulations, our best wishes, and our hope that she will stay in touch.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

#### BALANCED BUDGET AMENDMENT

Mr. DECONCINI. Mr. President, I join the minority leader; partly, in expressing my regrets that the balanced budget amendment did not pass. I am always sorry to see Democrats not vote for it. I think 150 did vote for it, if I am not mistaken. I think that indicates there is bipartisan support for this.

I also must say in reflection I am not so upset with Democratic leadership as I am with Republican leadership. Here we have a President of this country who has seen and approved budget agreements year after year, the worst deficit situation for history to see, and now he comes forward and makes this great political pitch in order to get a balanced budget amendment.

I think what happened is that his credibility is so weak in this country on the deficit, after submitting a budget request this year that is going to end up being \$400 billion in deficit, that people could not give a lot of credibility to that effort by the President of the United States. We have to have a President who is talking about reducing the deficit, not adding to it, if he wants support of the balanced budget amendment in trying to pass it.

#### ILLEGAL DRUGS AND VIOLENT CRIME

Mr. DECONCINI. Mr. President, as the Presidential campaign heats up, I am concerned that one very critical issue is being ignored by the three candidates, their political handlers, and the media, our country's battle against illegal drugs and violent crime. I am certainly not trying to downplay the absolute needs of the American economy or getting help to our inner cities or the importance of addressing reforms in health care and education or the deficit reduction or the balanced budget amendment. I am worried, however, that because the issues of drugs and crime do not sit at the very top of the political polls they will be a lower priority and literally may not be discussed at all.

As a Senator who has devoted a great deal of my time and energy in developing and formulating antidrug, anticrime legislation, it does not surprise me that President Bush is satisfied to keep this issue on the back burner. I will admit that George Bush's track record has been an improvement over Ronald Reagan's 8 years. However, it would be nearly impossible not to improve on the Reagan years.

In 1986 and 1988 the Congress, fighting the strong objections of the Reagan White House each step of the way, was able to draft and approve comprehensive antidrug legislation, to create a drug czar, the director of drug programming for this country. These antidrug measures provided billions of dollars in resources and personnel. They brought tough new criminal penalties to the fight. Most importantly, they sent a message to the Reagan administration that if it was not going to propose something, slogans and a lot of words were not going to be enough, that we needed to wage war against the drug cartels and the drug dealers in this country and to do something about treatment and education as well.

The Reagan administration could see the writing on the wall and agreed to it, and we did enact some very tough legislation.

The fight is not over, nor has the war really begun. George Bush has adopted a different approach to fighting the cancer that has stricken this country. He has chosen to play politics with it. President Bush has appointed a seasoned political veteran with little or no professional experience to draft and direct the national drug strategy. At every opportunity these political appointees are either blaming Congress for policy failures or manipulating facts and data in hopes of fooling the American public that drug use is down, or that now it is safe for mothers to let their children venture outdoors; that the war is being won and we are defeating this awful enemy and scourge to our country.

Let me briefly list some of the accomplishments of the Reagan-Bush years. Between 1985 and 1990, the violent crime rate in cities of 250,000 or more increased 35 percent. From 1985 to 1990, suburban robberies, rapes, and aggravated assaults all went up at least 20 percent.

Two years ago White House officials declared that the National Institute of Drug Abuse household surveys would be one of their principal yardsticks for measuring progress in the war on drugs, and they set a 50-percent drop in habitual cocaine use as one of their goals. The 1991 household survey has now been released and it shows weekly cocaine use with a sharp rise, up 29 percent. In the first two quarters of 1991, cocaine-related emergency room visits dramatically increased, up 31 percent; heroin emergency room visits also jumped up 26 percent from the year before.

The administration, which brought us Willie Horton, chose to hand out sweetheart plea bargains to some of the most notorious drug kingpins during the trial of Manuel Noriega so they could get a conviction. I am glad Mr. Noriega was convicted, but I tell you, I hate to see some of these international drug cartel people who we have custody of now, who are serving time, one of them 135 years plus life imprisonment, whatever that amounts to, being given a plea bargain because they testified against Manuel Noriega. That is what the Justice Department has done. That is what this administration has done.

But the most difficult policy decision to understand in the administration's war on drugs and crime is the President's threatened veto of the 1991 crime bill. This piece of legislation, which Mr. Bush refers to as "procriminal," is supported by every major law enforcement organization in America including the Fraternal Order of Police, the National Sheriffs Association, the National Association of Chiefs of Police, just to name a few. Administrators, su-

pervisors, the line officers who fight this war support this crime bill.

This antidrug and crime bill provides the largest ever expansion of the Federal death penalty, over 50 new Federal death penalties. It also includes new efforts to combat gang violence, new penalties for terrorist acts, and increases the existing penalties for repeat drug offenders, assaults, manslaughter, crimes against the elderly.

It also devotes substantial resources to training, and to prisons, to rehabilitation programs, and to education to attempt to persuade this country's generations which are to come, and existing generations, that drugs do kill.

This week the Washington Post published an article entitled "Perot Champion—Unorthodox War on Drugs." After reading the article, I had trouble understanding why unorthodox was included in that headline. I guess it was a bit unorthodox for Ross Perot as a private citizen to actually show an interest as far back as 1979 in the drug abuse problems in Texas.

I guess you would call it unorthodox for a CEO of a major corporation to put business aside for a year to concentrate full-time on his duties as chairman of the Texan War on Drugs Task Force. Perhaps you could term unorthodox Perot's decision to spend millions of dollars of his own hard-earned money before taxes to get the Texas program off the ground and funded when he was having trouble getting the legislature to do so. Finally they came around to see it as he was presenting it.

That is not unorthodox. That is commitment. That is the kind of commitment we need from this President and all candidates who are running for President to talk about the war on drugs that is really not a war, but to talk about the problem facing this country and to offer what they will do if they are elected.

Finally I am not surprised that organizations like the ACLU would be critical of Mr. Perot's efforts to toughen drug laws in Texas, to seize the assets of drug dealers, and to institute a drug testing program at his company, EDS. This Senator does not term those efforts by Mr. Perot unorthodox. I view them as genuine commitments by someone who takes the drug issue seriously and has the courage to take the full action needed, and hopefully is not the only candidate that will do so.

Mr. President, as my colleagues are aware, the strong desire in Congress to wage an effective war on drugs has brought with it some truly innovative and creative ideas, as well as some that you might term crazy. I know many of my colleagues voted against the policy of giving U.S. military pilots the authority to fire on suspected smuggling aircraft. I personally cannot think of anything crazier than the policy of legalizing cocaine, as has been advocated by some.

But that is what our Congress is all about. Everybody can speak their piece. But there have been some constructive things offered by Congress in that crime bill and other proposals that the administration has failed to even come back on with an alternative.

I am sure Ross Perot has probably suggested some methods, which I may not have, with drug traffickers and drug dealers that he would reconsider if he were President or maybe veto if in fact it passed.

On the issue of illegal drugs and violent crimes many of us have let our emotions get away from ourselves as well. But at least he is talking about the issue. I compliment him for it, and I suspect we will see more talk about it and concrete proposals.

The bottom line is we are not winning the war on drugs. We really do not have a war on drugs. In fact, we are not even waging a war yet.

George Bush deserves credit for his success in the Persian Gulf war against Saddam Hussein. If George Bush would take as much interest in waging an effective battle against illegal drugs and violent crime as he did in waging war against Iraq, the results would maybe not be so grim in this country.

We did not win that war either in Iraq. Saddam Hussein is still rambling around building an army, but at least we mobilized this country in the international forces as never mobilized before and literally physically forced him out of Kuwait.

I do not know that you could win a drug war where you eliminated all drugs, but I believe if we organized and mobilized as we did against the Iraqi Army in this country alone, we would get drugs out of this country, or at least the people who are selling them.

On the issue of drugs and crime, Ross Perot appears to be in step with what many of us have been attempting to accomplish for many, many years. Maybe Ross Perot is a leadership change we need to get serious about mounting a war on drugs to really get to it.

I am sure that many will agree we cannot do any worse.

Mr. President, I yield the floor.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

#### SENATOR BOB DOLE

Mr. THURMOND. Mr. President, one aspect of life in our Nation's Capital which is as reliable as hot weather in July is the fact that public debate—like debate in this Chamber—often gets rather confusing. Complex issues viewed through the lens of politics sometimes seem about as clear as the Potomac, and news coverage of events in Washington frequently does little to help our constituents understand the facts.

During my 38 years in the Senate, I have especially come to value the abil-

ity to cut through all the hoopla and get straight to the heart of an issue. Mr. President, I am sure that my colleagues on both sides of the aisle agree with me that there is no one better at doing that than our distinguished Republican leader, Senator BOB DOLE.

Along with a brilliant mind, keen wit, and political savvy for which he is renowned, Senator DOLE also possesses an enormous amount of clear-eyed common sense. Like a fresh prairie breeze cutting through the muggy haze of a Washington summer day, Senator DOLE's ability to cut through nonsense and distinguish the facts is always welcome.

I recently had the pleasure of reading an article by Senator DOLE in the Washington Post about Republican women running for the Senate. The article points out some important facts about the media's seeming refusal to acknowledge these candidates, and it is vintage BOB DOLE—accurate, informative, and to the point. I request unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, May 31, 1992]

IS AMERICA IGNORING GOP WOMEN?

(By Bob Dole)

As a proud resident of the only state in America with a woman U.S. senator, a woman U.S. representative and a woman governor, I fully understand that neither gender has a monopoly on any political office.

Unfortunately, when it comes to U.S. Senate elections, it appears that one party's women candidates do have a monopoly on the media's attention, as we are seeing again this year in the wide national coverage of women candidates in Pennsylvania and Illinois.

Despite a long record of nominating qualified, dynamic and distinguished women to run for the Senate, the Republican Party's female candidates have never enjoyed the unrelenting media and interest-group cheerleading we hear these days for women Democratic candidates. Apparently, the key to being taken seriously—to being declared a force for "change"—by the media and the so-called women's groups is a liberal agenda, not the female gender.

Now, don't get me wrong. I'm all for more women in government, and I have no problem with the Democrats nominating women candidates. Throughout my career in public service, I've worked with highly talented women—in the House, in the Senate and on the highest levels of my staff, including my longtime chief of staff and her fellow staff experts on health care, disabilities, nutrition, arms control, budget and tax policy. I also happen to be married to someone who knows a lot about being a woman in public service.

Across the nation, Americans are being deluged with television and newspaper stories proclaiming that 1992 will be a "break-through" year for women candidates. A recent editorial in a major newspaper raved about Democratic women candidates, declaring that "the fallout from the [Clarence] Thomas hearings has produced viable female Senate candidates in a half-dozen states.

That's welcome evidence of progress." Like nearly every story on women candidates, the editorial ignores the fact that well-qualified women were running for the Senate long before anyone ever heard of Anita Hill. And why should "welcome progress" be defined by the number of women candidates from the Democratic Party?

Where was all the media cheerleading in 1990, a banner year for women candidates, when a half-dozen Republican women—well-qualified women with serious messages—were running hard for the Senate? These top-flight candidates included Sen. Nancy Kassebaum of Kansas; U.S. Reps. Lynn Martin of Illinois, Pat Saiki of Hawaii and Claudine Schneider of Rhode Island; a New Jersey state official, Christine Whitman; and a prosecutor from Delaware, Jane Brady—not exactly an unseasoned lot of public servants.

How many stories did you see in 1990 pointing out that these six outstanding women were running for the Senate as Republicans, while the Democrats were fielding only two women candidates? Instead of rave editorials and "break-through" stories, the media turned on its censorship machine, keeping America in the dark about this historic field of women candidates taking on the status quo. Kassebaum was re-elected, but when all five women challengers were defeated by their male opponents there was no editorial outcry that the old boy network had prevailed again. (Let me add that two of these talented women now serve in the Bush administration—Lynn Martin as secretary of Labor and Pat Saiki as head of the Small Business Administration.)

And when Republicans, long before the Thomas-Hill hearings, introduced comprehensive women's-rights legislation—including the first-ever monetary remedies for sexual harassment in the workplace, specific provisions to fight violence against women and the first proposal dealing with corporate discrimination against women—the media gave the plan nothing but the cold shoulder. Regrettably for America's working women, women's rights and Republicans simply don't mix in our nation's newsrooms.

Let's face the facts. Democratic U.S. Senate nominees Carol Moseley Braun and Lynn Yeakel are fast becoming household names. But when was the last time you saw a story on Charlene Haar, another so-called "outsider" who happens to be the Republican U.S. Senate candidate in South Dakota? Notwithstanding a fine opponent, did the Republican former mayor of Charlotte, Sue Myrick, get the same kind of free national hype before North Carolina's Senate primary that we saw in Pennsylvania on the Democratic side?

How many stories have you seen pointing out that since 1980, Republicans have nominated more women to run for the Senate than have the Democrats? Have you ever heard that women have been the Republican U.S. Senate nominee in New Jersey three out of the four most recent elections? Or that despite being outspent by nearly \$9 million, Christine Whitman came within three points of unseating an incumbent Garden State senator in 1990? If she had gotten half the media attention Lynn Yeakel has, Christine Whitman might very well be sitting in the Senate today.

Unfortunately, it seems that the media and a few special interest groups have decided that Republican women are not "politically correct." Whether they meet some groups' self-proclaimed litmus tests or not, qualified Republican women—women whether they are pro-choice or whatever—never

seem to merit the support of the groups that say they are so dedicated to electing more women to office, women who could have been already on the job, making a difference on Capitol Hill.

In fact, time and time again, the so-called liberal women's organizations such as the National Women's Political Caucus have done everything possible to defeat talented Republican candidates. There are many fine women's organizations in America, some of which supported these candidates, but it seems obvious that most of the self-styled women's groups are more interested in agendas than gender.

So the next time you hear criticism of the "98 percent male" Senate or statements that we need "more women" in the Senate, ask yourself whose fault that really is. The female candidates have been there. Regrettably, the votes, the attention and the political will have not.

#### TRIBUTE TO DAN HOLDHUSEN

Mr. DASCHLE. Mr. President, I wish to pay tribute to Dan Holdhusen of Sioux Falls, SD, who will be resigning his position as general manager of the Missouri Basin Municipal Power Agency later this month to take a post with the Good Samaritan Society.

The Missouri Basin Municipal Power Agency is a joint action agency that serves 58 municipal electric utilities in South Dakota, North Dakota, Iowa, and Minnesota. Missouri Basin provides supplemental power, joint financing, training, and education programs, joint purchasing, regional and national representation and a variety of other services to its members. Through cooperative action, the agency helps provide reliable electric service to more than 200,000 consumers in the Upper Midwest.

Dan first joined Missouri Basin in June 1977 as the manager of finance and accounting. He was named assistant general manager in 1982, and was appointed general manager in 1987 upon the retirement of Russell Dau. During this 15-year period, Dan played an integral role in the agency's achievements and successes. Under Dan's leadership, Missouri Basin established a strategic planning process that has guided the agency toward the 21st century. The agency is currently embarking on several important steps in that process: a demand-side management program, the TreePower planting program, and extension of member contracts.

Dan took great steps to expand the public affairs efforts of the agency and its members. He has served on several committees and task forces of the American Public Power Association, served for 2 years as president of the Mid-West Electric Consumers Association, and represented the agency on the Missouri Basin power project's management committee and the midcontinent area power pool. Dan's service on these boards and committees has earned him the respect of his colleagues in the electric utility industry.

The electric consumers of Missouri Basin's member utilities have a lot to thank Dan for: quality service, competitive rates, effective leadership, and honorable representation.

Mr. President, I join the people of South Dakota and the members and board of Missouri Basin in extending our best wishes to Dan, his wife Joan, and their two children, as Dan begins a new and exciting challenge with the Good Samaritan Society, a Sioux Falls-based not-for-profit organization. While Dan will be missed, we are pleased to know that others will benefit from his intelligence, integrity, and ingenuity.

#### BALANCED BUDGET AMENDMENT

Mr. SIMON. Mr. President, we have concluded the debate on the balanced budget constitutional amendment for 1992. Nonetheless, the deficit remains the most urgent economic problem facing the Nation. I submit for the RECORD two columns I have written for Illinois newspapers which outline some of my thoughts on this subject.

There being no objection, the articles are ordered to be printed in the RECORD, as follows:

##### WHY WE NEED A BALANCED BUDGET AMENDMENT

(By U.S. Senator Paul Simon)

One of the arguments against having a balanced budget amendment in the Constitution—requiring that income match spending unless there is a 60 percent vote of Congress to have a deficit—is that it will hurt social programs.

The fact that I have spent my legislative career fighting for education and health care and other needed social programs I hope would at least cause some to pause enough in their passionate rhetoric to listen, and examine. I would not be sponsoring the constitutional amendment if it would hurt investments we need to build a stronger, better nation.

There are many flaws in the opponents' approach, but let me mention just two:

1. In the past 10 years after adjusting for inflation, these are the spending figures in the federal budget: non-defense discretionary (mostly domestic programs) down 12 percent; defense, up 36 percent; entitlements (such as Social Security and Medicare) up 51 percent; gross interest, up 105 percent. The interest growth—by far the biggest—is squeezing out our ability to respond with social programs. In the next federal budget, gross interest for the first time will become the top spending item. In the next 10 years, interest will be much worse unless it is somehow capped, and the only conceivable way to cap it is with a constitutional amendment. If it is not capped, social programs will suffer even more. Along with the country.

2. In the past 12 years, the amount spent for interest rose by a total of \$1.461 trillion. If 12 years ago we had had a constitutional amendment and had not spent the money on interest, would spending on social programs have dropped 12 percent? I doubt it. Would we have spent so much on fancy and frivolous weapons systems? I doubt it. Would the 1981 tax bill have passed? Clearly, it could not have, and the result would be a fairer tax

system today, lower interest rates and saving millions of jobs in this country that we have lost. The average income for a family would be higher.

Nothing is more important to most working and out-of-work Americans than jobs that pay well. But studies show conclusively that the federal government deficit has been responsible for one-third to one-half of the trade imbalance, that we have lost much of our industrial base because of the budget deficit. On top of that, long-term interest rates have discouraged not only industrial investment but also home construction, and that has aggravated both employment and housing problems. Shouldn't these factors be weighed by those who promote a special agenda?

The absorption of so much of the world's savings for our deficit also has particularly hurt the poorer nations, which have to pay higher interest rates to borrow (just as our citizens do). And when poorer nations suffer, their people struggle harder for basics and they are less able to purchase products made in the United States.

One of the nation's greatest weaknesses is our failure to do long-term thinking. It is true of the governmental sector and also of the private sector.

Including, unfortunately, some in the private sector who speak for causes in which I believe strongly. In this case, their opposition to a balanced budget amendment will harm the causes they advocate, if they succeed.

##### SOBERING NEW DEFICIT REPORT CHARTS FOUR ROADS TO OUR FUTURE

(By U.S. Senator Paul Simon)

If you think the balanced budget amendment now before Congress has nothing to do with your future, take a look at the recent report published by the General Accounting Office about where we are, and where we're headed on four different possible courses, to the year 2020:

Road one: Follow the present path of drift and more huge deficits. They suggest, first, that it is not likely to happen, that the economy will face a crisis before 2020, but at best we would maintain about the present level of income, \$23,875 per person, but continue to slip behind other nations.

Road two: They call this the "muddle through" road, in which we make some sacrifices and cut the deficit rate about in half from where it is now. It would raise our per capita income to \$30,374.

Road three: Balance the budget within nine years. Per capita income: \$32,555.

Road four: Balance the budget in nine years and four years later build a slight surplus of about two percent in the budget. The result will be per capita income of \$33,353.

Which road should we follow? The answer should be obvious.

During the first 175 years of our nation's history, we balanced the budget 60 percent of the time, and when we had deficits they were only small deficits. The last 25 years we have balanced the budget only once—four percent of the time—piling up huge deficits in the meantime.

We are the first generation of Americans to live high—on our children. We've used a national credit card, sending them the bill and harming their future. The deficit has already cost the nation between 2.5 and 3.5 million jobs, particularly in the manufacturing sector. Our fiscal foolishness has sent jobs to other nations.

In 1986 the average manufacturing wage in the United States was higher than in any

other country. Today eleven nations have higher average manufacturing wages.

One of the ironies is that some of the people who will be hurt the worst by our failure to face our problems have been persuaded that we should not do so.

Former Social Security Commissioner Dorcas Hardy has written that Social Security retirement should be in good shape well into the next century—except for one thing: the huge federal debt. That is the only real threat to it.

But some people have persuaded a few of the senior citizen groups to oppose the balanced budget amendment, the very amendment that will do the most to protect their future. Don't ask me to explain that one!

The GAO report says that if we continue to let interest mushroom in the budget, discretionary non-defense spending (such as education, health and agriculture) will experience a drop of approximately one-third over the next decades—optimistically. That assumes that there is no increase in interest rates, but if we continue on our borrowing binge, there is no way interest rates will not rise, and these programs in which I believe strongly will suffer even more.

This year we are spending \$4 for each \$3 we take in. Yes, it's nice—until the bills come in. And they're already coming in, and it's going to get worse and worse until we stop this nonsense.

We need a constitutional amendment similar to one Thomas Jefferson advocated, limiting the ability of the federal government to borrow.

We owe it to future generations.

#### EXECUTIVE SESSION

Mr. DECONCINI. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations:

Calendar No. 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, and 638; and I further ask unanimous consent that the Senate proceed to their immediate consideration; that the nominees be confirmed, en bloc; that any statements appear in the RECORD as if read; that the motions to reconsider be laid upon the table, en bloc; that the President be immediately notified of the Senate action; and that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

#### DEPARTMENT OF STATE

Marc Allen Baas, of Florida, a career member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Ethiopia.

Lauralee M. Peters, of Virginia, a career member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Sierra Leone.

Hume Alexander Horan, of the District of Columbia, a career member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Cote d'Ivoire.

Donald K. Petterson, of California, a career member of the Senior Foreign Service, Class

of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of the Sudan.

Dennis P. Barrett, of Washington, a career member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Democratic Republic of Madagascar.

Richard Goodwin Capen, Jr., of Florida, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Spain.

Roger A. McGuire, of Ohio, a career member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Guinea-Bissau.

William Lacy Swing, of North Carolina, a career member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Federal Republic of Nigeria.

Reginald Bartholomew, of the District of Columbia, a career member of the Senior Foreign Service, Class of Career Minister, to be the United States Permanent Representative on the Council of the North Atlantic Treaty Organization, with the rank and status of Ambassador Extraordinary and Plenipotentiary.

Adrian A. Basora, of New Hampshire, a career member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Czech and Slovak Federal Republic.

Peter Barry Teeley, of Virginia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Canada.

Peter Jon de Vos, of Florida, a career member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the United Republic of Tanzania.

Robert E. Gribbin III, of Alabama, a career member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Central African Republic.

William Henry Gerald FitzGerald, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Ireland.

#### U.S. ADVISORY COMMISSION ON PUBLIC DIPLOMACY

Pamela J. Turner, of the District of Columbia, to be a member of the U.S. Advisory Commission on Public Diplomacy for a term expiring July 1, 1995. (Reappointment.)

#### EXECUTIVE OFFICE OF THE PRESIDENT

Kay Coles James, of Virginia, to be Associate Director for National Drug Control Policy.

#### WILLIAM HENRY GERALD FITZGERALD TO BE UNITED STATES AMBASSADOR TO IRELAND

Mr. WARNER. Mr. President, I strongly recommend the confirmation of Mr. William Henry Gerald FitzGerald to serve as U.S. Ambassador to Ireland. Mr. FitzGerald is currently president of the FitzGerald Corp. and is vice chairman of the African Development Foundation.

Mr. FitzGerald has an impressive record of public service, beginning in

1957 when he began 4 years of service at the State Department as Deputy Director for Management at the International Cooperation Administration. He also served four times as U.S. delegate, political committee, to the Atlantic Treaty Assembly. Bill FitzGerald also has vast private sector experience, including serving in senior positions at a number of large national and international businesses. He is also a member and adviser to many highly respected foreign policy related organizations.

Mr. FitzGerald received his bachelor of science degree from the U.S. Naval Academy. Following graduation, he served two tours in the U.S. Navy.

Mr. President, I am confident Bill FitzGerald has the experience necessary to effectively serve as U.S. Ambassador to the Republic of Ireland. Thank you for allowing me the opportunity to come before the Senate to endorse his confirmation.

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

#### THE 107TH MERIDIAN BOUNDARY DISPUTE

Mr. DECONCINI. Mr. President, I ask unanimous consent that S. 2833, a bill to resolve the 107th meridian boundary dispute between the Crow Indian Tribe, the Northern Cheyenne Indian Tribe, and the United States, introduced on Thursday, June 11, by Senators BAUCUS and BURNS be sequentially referred to the Committee on Energy and Natural Resources, if and when it is reported by the Committee on Indian Affairs.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### CONVEYANCE OF CERTAIN LANDS IN LIVINGSTON PARISH, LA

Mr. DECONCINI. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 468, S. 1439, regarding a land conveyance in Livingston Parish, LA, that the committee amendment be agreed to and the bill, as amended, be read a third time, passed and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the bill (S. 1439), as amended, was passed, as follows:

S. 1439

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. FINDINGS.

The Congress finds and declares that—  
(1) there is a history of adverse claims and title confusion relating to certain lands in Livingston Parish, Louisiana, arising from

private land claims predating the Louisiana Purchase;

(2) numerous parties have in good faith placed valuable improvements upon such lands in the belief that they owned such lands; and

(3) the public interest will be best served by clarifying the uncertainty of title by conveying the interest of the United States in such lands to those affected parties.

#### SEC. 2. CONVEYANCE OF LANDS.

(a) IN GENERAL.—Notwithstanding any other provision of law, and subject to the reservation in subsection (b), the United States hereby grants all right, title, and interest of the United States in and to certain lands in Livingston Parish, Louisiana, as described in section 3, to those parties who, as of the date of enactment of this Act, would be recognized as holders of a right, title, or interest to any portion of such lands under the laws of the State of Louisiana, but for the interest of the United States in such lands.

(b) RESERVATION OF MINERAL RIGHTS.—The United States hereby excepts and reserves from the provisions of subsection (a) of this section, all minerals underlying such lands, along with the right to prospect for, mine, and remove the minerals under applicable law and such regulations as the Secretary of the Interior may prescribe.

#### SEC. 3. DESCRIPTION OF LANDS TO BE CONVEYED.

The lands to be conveyed pursuant to this Act are those lands located in section 37, township 5 south, range 4 east, St. Helena Meridian, in Livingston Parish, Louisiana.

### THE UNEMPLOYMENT COMPENSATION BILL

Mr. DECONCINI. Mr. President, I ask unanimous consent that on Friday, June 12, the Senate Finance Committee be permitted to file until 4 p.m., H.R. 5260, the unemployment compensation bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

### TRADEMARK REMEDY CLARIFICATION ACT

Mr. DECONCINI. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 462, S. 759, relating to certain trademark laws.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 759) to amend certain trademark laws to clarify that States, instrumentalities of States, and officers and employees of States acting in their official capacity, are subject to suit in Federal court by any person for infringement of trademarks, and that all the remedies can be obtained in such suit that can be obtained in a suit against a private entity.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

#### AMENDMENT NO. 2372

(Purpose: To make technical amendments)

Mr. DECONCINI. Mr. President, I send a technical amendment to the

desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. DECONCINI] proposes an amendment numbered 2372.

Mr. DECONCINI. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 4, strike lines 7 and 8 and insert in lieu thereof the following:

- (1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;
- (2) by inserting "(1)" after "(a)"; and
- (3) by adding at the end thereof:

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2372) was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 759

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Trademark Remedy Clarification Act".

#### SEC. 2. REFERENCE TO THE TRADEMARK ACT OF 1946.

Except as otherwise expressly provided, whenever in this Act an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of the Act entitled "An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes", approved July 5, 1946 (15 U.S.C. 1051 et seq.) (commonly referred to as the Trademark Act of 1946).

#### SEC. 3. LIABILITY OF STATES, INSTRUMENTALITIES OF STATES, AND STATE OFFICIALS.

(a) LIABILITY AND REMEDIES.—Section 32(1) of the Act (15 U.S.C. 1114(1)) is amended by adding at the end thereof the following:

"As used in this subsection, the term 'any person' includes any State, any instrumentality of a State, and any officer or employer of a State or instrumentality of a State acting in his or her official capacity. Any State, and any such instrumentality, officer, or employee, shall be subject to the provisions of this Act in the same manner and to the same extent as any nongovernmental entity."

(b) LIABILITY OF STATES, INSTRUMENTALITIES OF STATES, AND STATE OFFICIALS.—The Act is amended by inserting after section 39 (15 U.S.C. 1121) the following new section:

"SEC. 40. (a) Any State, instrumentality of a State or any officer or employee of a State or instrumentality of a State acting in his or her official capacity, shall not be immune, under the eleventh amendment of the Constitution of the United States or under any other doctrine of sovereign immunity, from suit in Federal court by any person, including any governmental or nongovernmental entity for any violation under this Act.

"(b) In a suit described in subsection (a) for a violation described in that subsection, remedies (including remedies both at law and in equity) are available for the violation to the same extent as such remedies are available for such a violation in a suit against any person other than a State, instrumentality of a State, or officer or employee of a State or instrumentality of a State acting in his or her official capacity. Such remedies include injunctive relief under section 34, actual damages, profits, costs and attorney's fees under section 35, destruction of infringing articles under section 36, the remedies provided for under sections 32, 37, 38, 42 and 43, and for any other remedies provided under this Act."

(c) FALSE DESIGNATION OF ORIGIN AND FALSE DESCRIPTIONS FORBIDDEN.—Section 43(a) of the Act (15 U.S.C. 1125(a)) is amended—

- (1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;
- (2) by inserting "(1)" after "(a)"; and
- (3) by adding at the end thereof:

"(2) As used in this subsection, the term 'any person' includes any State, instrumentality of a State or employee of a State or instrumentality of a State acting in his or her official capacity. Any State, and any such instrumentality, officer, or employee, shall be subject to the provisions of this Act in the same manner and to the same extent as any nongovernmental entity."

(d) DEFINITION.—Section 45 of the Act (15 U.S.C. 1127) is amended by inserting after the fourth undesignated paragraph the following: "The term 'person' also includes any State, any instrumentality of a State, and any officer or employee of a State or instrumentality of a State acting in his or her official capacity. Any State, and any such instrumentality, officer, or employee, shall be subject to the provisions of this Act in the same manner and to the same extent as any nongovernmental entity."

#### SEC. 4. EFFECTIVE DATE.

The amendments made by this Act shall take effect with respect to violations that occur on or after the date of the enactment of this Act.

Mr. DECONCINI. Mr. President, I move to reconsider the vote.

Mr. THURMOND. I move to lay that on the table.

The motion to lay on the table was agreed to.

### PATENT AND PLANT VARIETY PROTECTION REMEDY CLARIFICATION ACT

Mr. DECONCINI. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar 461, S. 758, relating to certain patents, that the bill be deemed read the third time, passed, and the motion to reconsider laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the bill (S. 758) was deemed read the third time and passed, as follows:

S. 758

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Patent and Plant Variety Protection Remedy Clarification Act".

**SEC. 2. LIABILITY OF STATES, INSTRUMENTALITIES OF STATES, AND STATE OFFICIALS FOR INFRINGEMENT OF PATENTS.**

(a) **LIABILITY AND REMEDIES.**—(1) Section 271 of title 35, United States Code, is amended by adding at the end the following:

“(h) As used in this section, the term ‘whoever’ includes any State, any instrumentality of a State, and any officer or employee of a State or instrumentality of a State acting in his official capacity. Any State, and any such instrumentality, officer, or employee, shall be subject to the provisions of this title in the same manner and to the same extent as any nongovernmental entity.”

(2) Chapter 29 of title 35, United States Code, is amended by adding at the end the following new section:

**“§ 296. Liability of States, instrumentalities of States, and State officials for infringement of patents**

“(a) **IN GENERAL.**—Any State, any instrumentality of a State, and any officer or employee of a State or instrumentality of a State acting in his official capacity, shall not be immune, under the eleventh amendment of the Constitution of the United States or under any other doctrine of sovereign immunity, from suit in Federal court by any person, including any governmental or nongovernmental entity, for infringement of a patent under section 271, or for any other violation under this title.

“(b) **REMEDIES.**—In a suit described in subsection (a) for a violation described in that subsection, remedies (including remedies both at law and in equity) are available for the violation to the same extent as such remedies are available for such a violation in a suit against any private entity. Such remedies include damages, interest, costs, and treble damages under section 284, attorney fees under section 285, and the additional remedy for infringement of design patents under section 289.”

(b) **CONFORMING AMENDMENT.**—The table of sections at the beginning of chapter 29 of title 35, United States Code, is amended by adding at the end the following new item:

“Sec. 296. Liability of States, instrumentalities of States, and State officials for infringement of patents.”

**SEC. 3. LIABILITY OF THE STATES, INSTRUMENTALITIES OF STATES, AND STATE OFFICIALS FOR INFRINGEMENT OF PLANT VARIETY PROTECTION.**

(a) **INFRINGEMENT OF PLANT VARIETY PROTECTION.**—Section 111 of the Plant Variety Protection Act (7 U.S.C. 2541) is amended—

(1) by inserting “(a)” before “Except as otherwise provided”; and

(2) by adding at the end thereof the following new subsection:

“(b) As used in this section, the term ‘perform without authority’ includes performance without authority by any State, any instrumentality of a State, and any officer or employee of a State or instrumentality of a State acting in his official capacity. Any State, and any such instrumentality, officer, or employee, shall be subject to the provisions of this Act in the same manner and to the same extent as any nongovernmental entity.”

(b) **LIABILITY OF STATES INSTRUMENTALITIES OF STATES, AND STATE OFFICIALS FOR INFRINGEMENT OF PLANT VARIETY PROTECTION.**—Chapter 12 of the Plant Variety Protection Act (7 U.S.C. 2561 et seq.) is amended by adding at the end thereof the following new section:

**“SEC. 130 LIABILITY OF STATES, INSTRUMENTALITIES OF STATES, AND STATE OFFICIALS FOR INFRINGEMENT OF PLANT VARIETY PROTECTION.**

“(a) Any State, any instrumentality of a State, and any officer or employee of a State or instrumentality of a State acting in his official capacity, shall not be immune, under the eleventh amendment of the Constitution of the United States or under any other doctrine of sovereign immunity, from suit in Federal court by any person, including any governmental or nongovernmental entity, for infringement of plant variety protection under section 111, or for any other violation under this title.

“(b) In a suit described in subsection (a) for a violation described in that subsection, remedies (including remedies both at law and in equity) are available for the violation to the same extent as such remedies are available for such a violation in a suit against any private entity. Such remedies include damages, interest, costs, and treble damages under section 124, and attorney fees under section 125.”

**SEC. 4. EFFECTIVE DATE.**

The amendments made by this Act shall take effect with respect to violations that occur on or after the date of the enactment of this Act.

Mr. DECONCINI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SIMPSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

**GOOD LUCK TO MARY ARNOLD**

Mr. SIMPSON. Mr. President, Reverend Halverson, our beloved Senate Chaplain, frequently refers to our “Senate family,” and to all of us who work in this fascinating place, we know that these are more than just mere words that roll easily off of the tongue. It is very real, and it captures the way the people who work here truly think of each other and the Senate. We have superb people who assist us and staff us in our work. Despite so many of the frustrations that we have to deal with here, I have not yet met anyone who has left this place who did not experience a certain level of sadness, similar to the sadness one experiences when saying good-bye to one's own family. The quality of the personal relationships which are developed among the people who work in every conceivable job here is what makes this place so very unique—and yes, indeed, even a family.

So it is with some level of regret, but with an even greater level of admiration and pride, that I have for this very special lady—that I note that Mary Arnold, a very important member of our Senate family, has now graduated from Georgetown University Law School, and has accepted a position with an outstanding private sector government

relations firm—Black, Manafort, Stone & Kelly. Our loss will in every sense be that firm's gain.

I have known Mary Arnold for nearly 10 years. We know her as a cheerful person in the Cloakroom, and she referred to herself as Cloakroom Mary from time to time, with great, good humor. She is a very bright lady who has consistently demonstrated a very high level of performance in her job in the Republican Cloakroom. Despite receiving hundreds of staff and Senator inquiries during the course of her workday, she somehow always managed to maintain a friendly and cheerful disposition. I frankly do not know how she, or any of the other Cloakroom staff, do their jobs so patiently and so well. But they do—on both sides of the aisle. Mary has been professionally helpful to me in many ways during her tenure here. She will be deeply missed by me and my colleagues. We have all equally enjoyed working closely with her.

Mary is a very unique lady who maintained a full-time job in the Cloakroom and also attended Georgetown University Law School. It is that level of ambition and ability that, I am confident, will enable her to succeed in every single endeavor she may attempt. I am pleased that she has accepted a position in the Washington area, and I am thus certain that we will continue to hear her in these corridors, albeit in a much different capacity, certainly.

In closing, I want to take this opportunity to commend this fine lady and thank her for the outstanding service that she has rendered to the U.S. Senate. My wife, Ann, and I congratulate her again on her fine record and service to the U.S. Senate, and wish her the very best in life and in this exciting new professional opportunity. God bless her.

I thank the Chair.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

**TREASURY SPEECH ON EXECUTIVE PAY**

Mr. LEVIN. Mr. President, earlier this week, John Robson, Deputy Secretary of the Treasury, gave an address to the Industrial Biotechnology Association. Robson is a former pharmaceutical company executive and former director of a prominent biotechnology firm. He spoke on issues related to executive pay. Given his sentiments, I only hope he was not speaking for the Treasury Department. Robson warned

that efforts to improve the information provided to stockholders about their own CEO's pay "better be extremely careful," because trying to put pay data "in neat little box scores and charts \* \* \* just ain't that simple."

Well, that is the point. Executive pay is not simple at all. Today, company pay disclosures go on for pages and pages of legal jargon about stock options, performance shares, performance units, supplemental pension plans, and more. It is so complex that even compensation experts need hours to figure out an executive's total pay from a corporation's annual proxy statement.

Mr. Robson cautions the SEC against requiring a simple chart for these annual corporate proxy statements that adds up all the types of pay and provides a bottom line total for each executive. But that is exactly what stockholders and investors need.

Mr. Robson and I agree that the real watchdogs on executive pay should be the stockholders. But I believe that unless we give them the tools they need, they cannot do the job.

Mr. Robson also states that he "strongly opposes" actions to include stock option compensation in a company's books as an expense, a very important reform which I have introduced in Senate bill 1198. Stock options, which today provide a hefty chunk of pay for corporate executives, are the only type of compensation which a company can deduct as an expense on its tax return, but which it does not have to include in its books as an expense.

Companies can also claim these options as a research expense to increase their R&D tax credit. That means Mr. Robson is defending a system which allows companies to treat stock options as an expense when it comes to tax deductions and tax credits, but not when it comes to the profit and loss statement.

In arguing against recognizing the expense, Mr. Robson says first that there is no consensus on when companies should include a charge to their earnings. What he leaves out is the fact that there is a consensus on the more basic issue, that some charge should be made at some point. For example, the Financial Standards Accounting Board—the leading organization of accounting professionals, which determines what are generally accepted accounting principles—has voted repeatedly and unanimously that stock options have a value and a cost and ought to show up on a company's books as an expense.

Mr. Robson's counterargument is that using his words, even if the "technocrats" are right, no one is being hurt by the status quo.

Well, Mr. Robson is wrong. Stockholders are hurt, investors are hurt, and the country is hurt by distorted accounting that inflates company earnings, hides compensation costs, and en-

courages runaway executive pay that damages our competitiveness.

Mr. Robson's performance as an apologist for complex pay disclosures and off-the-books accounting, and his obvious disdain for technocrats who insist on straightforward bookkeeping, is all the more disturbing because it is coming from one of the top officials in the Treasury Department.

Vice President QUAYLE, among others, has recognized the disconnect between executive pay and performance and has called for reform. I think it is beyond dispute that the Federal Government is part of the problem. Confusing pay disclosures and inaccurate stock option accounting lead the list of Government failures in this area.

I do not believe that the Federal Government should set pay in the private sector. But some of us are calling for the Federal Government to clean up its act. Mr. Robson is not helping.

#### COMPLIMENTS TO SENATOR BYRD

Mr. LEVIN. Mr. President, I see the President pro tempore is on the floor. While he is here, I want to tell him what a masterful job he has done relative to the budget, the proposed budget amendment to the Constitution. That amendment was and is a mistake.

The effort that was mounted against it and would be mounted against it if it is going to be offered at a later point, that effort against it has been led by my friend from West Virginia, Senator BYRD. He is the best qualified person in the U.S. Senate to lead the effort against the constitutional amendment on the balanced budget.

It is an amendment which is misguided, which would distort the Constitution, which would not accomplish the job that it seeks to accomplish and, in fact, would create a giant loophole which would allow us to duck doing what we should do during the years of its ratification, and then, if and when it is ratified, in fact not do the job that it purports to do even if it ever became part of the Constitution.

The Senator from West Virginia is a great defender of the Constitution. He is fiscally responsible and wants to do the job here and get it done by responsible leadership here, now, in the legislative body, and not just duck our responsibility by considering an amendment which, again, if it were adopted, would not accomplish the job.

So I want to congratulate him on his effort. And let me tell him that if, in fact, it is resumed, he will have a lot of people who will continue to work with him to defeat this misguided effort to distort our Constitution.

I now yield the floor and thank the Chair.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I thank my friend from Michigan, Senator LEVIN,

for his good words. He is one of the most thoughtful Members of this body. I have watched him for years as he has worked in the committees and on the floor. He probes for details. He gets into every nook and cranny of an issue. He is a levelheaded, solid, bright, able, effective, conscientious Senator.

Those words coming from him mean a great deal to me, and I thank him very much.

#### THE CONSTITUTIONAL AMENDMENT TO BALANCE THE BUDGET

Mr. BYRD. Mr. President, while I am on my feet, I also want to thank Senator SIMON for the fine spirit in which he acknowledged the futility of going forward with the constitutional amendment to balance the budget, in light, especially, of the vote that occurred yesterday in the House. Senator SIMON fought a good fight on behalf of his amendment.

He, too, is a very intelligent Senator. He approached this matter as he approaches all issues. He approached it with great enthusiasm. He went from office to office and talked one-on-one and personally with many, many Senators on both sides of the aisle to try to get support for his constitutional amendment to balance the budget. He believed in what he was doing. He sincerely believes, I am sure, that the answer to the fiscal problems facing our country today is a balanced budget in the Constitution.

There are others in the body who, I am sure, are just as dedicated, just as sincere, in their support of a balanced budget amendment to the Constitution. That would have been the easy way to go, of course, politically.

So, I compliment Senator SIMON on his good nature, his unfailing equanimity, his ready smile, and his great heart.

I also compliment those Senators who had the courage to avoid the line of least resistance had the matter been taken up in this Senate. I compliment those in the other body who had the courage to stand against a tidal wave of demagogic passion and emotion that was about to sweep over the House of Representatives.

Mr. President, I have been on this Hill now for 40 years. I am in my 40th year. I served in the other body and I know a little something about it; not as much as I would like to. But that body is very close to the people—the Members run every 2 years—and it touches the grassroots, it is near the soil, it is near the forest and can see the trees.

It took strong leadership in the House and it took a great deal of courage to stand against the demagoguery that is being expressed at both ends of Pennsylvania Avenue with respect to the efficacy of a constitutional amendment to balance the budget—as a way

to go, that is easy, and which will force us, if I may put those two words in quotation marks, "force us" to do our duty, "force us" to take action to balance the budget.

Mr. President, I think the other body is to be complimented. I have seen both Houses in times like these when matters were before the bodies; I have seen men and women of courage take a stand that was not popular, take a stand that was not calculated to get them votes back home in the near term.

Many times when I was minority leader of the Senate, I told my colleagues—and the distinguished Presiding Officer, the senior Senator from Montana [Mr. BAUCUS], who is in the Chair today, was in those conferences when I was in the minority leader and we met in room S-211, the LBJ Room—he will recall many times I said to my colleagues, "Vote for what you think is right today. You will not win because we are in the minority. We will lose. But go in there and offer your amendment. You will lose. But do not think just in terms of today. Also think in terms of 6 months from today or a year from today or 18 months from today. How will it look then when you look back on it, not so much how it looks today but how it will look a year from today?"

And it is that way with the many difficult issues that we have to come to grips with. How will it look a year away? Now will it look 10 years away? How will it look to our children and grandchildren? What will they think of us?

Those perspectives, perhaps, are more important because they are more lasting and more eternal. So I have to compliment those in the other body who were willing to take a tough stand. And there were a few of them who were willing to change their minds.

Emerson said:

A foolish consistency is the hobgoblin of little minds, admired by little statesmen and philosophers and divines.

It took courage for members to change their minds. That is a pretty tough thing to do. But only the foolish and the dead never change their minds.

Mr. President, we all want to balance the budget. There is not a Senator in this body who opposed the balanced budget amendment who does not also want a balanced budget. But he also realizes that the balanced budget amendment is but a "quick fix," and will not bring about a balanced budget.

We also realize that there are times when we must have an unbalanced budget. In a time of recession, we have to have an unbalanced budget. There are other times—in times of military conflict—when we have to have an unbalanced budget. Disasters sweep over the land, unforeseen, God-made, that will put out of kilter the outlays as

against the receipts. There are all kinds of such unforeseen problems.

I want to see our fiscal house in order just as much as does any individual on the other side of the aisle or on this side of the aisle, or any President. I want to see a balanced budget. But, Mr. President, the groundwork has not been laid for that yet. We have not had a national debate. The American people have not been informed of the choices they would face. All they have heard is: "Give us a balanced budget amendment. The States balance their budgets. Here we are, almost \$4 trillion in debt. What we need is a balanced budget amendment so we will balance our budget at the Federal level."

Well, that is pure demagoguery. Mr. President. Somebody ought to tell the people that the States would have a difficult time, indeed, if it were not for the billions of dollars that flow through the Federal pipeline directly from Washington to the State capitols all around this country.

Last year, 1991, \$151 billion in Federal moneys went to the States. This year, fiscal year 1992, it is estimated—the fiscal year is not out yet; just estimated—that \$182 billion will flow from the Federal Government to the State governments. Next year, the estimate is, I believe, that \$199 billion will flow to the States.

Mr. President, the Governors and State legislators are kidding us when they say to us, "You ought to have a balanced budget amendment in the Constitution so you can balance your budget like we do ours." Of course, there are lots of gimmicks at the State level, as I have said, as well. The States have two budgets, as I said the other day: An operating budget and a capital budget.

But aside with that for the moment. Let there be a balanced budget amendment added to the Federal Constitution and the Congress will be forced to stop funding a lot of the programs that the Federal Government now funds. And the Federal Government will have to raise taxes. Then where will the States be? Instead of \$182 billion flowing through that direct pipeline from Washington to the State capitols—as will be the case this year—that money will be cut off. We will have to say to the States: "Look, you will have to shift for yourselves on these programs from now on; we can no longer fund them at the Federal level. That's your problem now. Moreover, we are going to have to raise taxes at the Federal level, now that we have this new amendment in the Constitution. We have to raise taxes. That is going to undercut your tax base at the State level."

I know about these Governors. They come to Washington. They are good men, and they are faithful to their responsibilities. They try to do a good job for their States. But they come to

Washington wanting money for State programs. So do the State legislators.

Mr. President, this is the kind of debate we ought to have. The American people are entitled to be informed about the shallow shibboleths from the White House which run, "Well, the States balance their budgets; 49 of the States either have constitutional or statutory requirements that they balance their budgets. That is what I need. Give me a constitutional amendment. Then maybe the Congress will do something. Then we can get together with Congress and balance the budget."

The American people need to be reminded that a pipeline runs across the Alleghenies, and south and north, and in all directions all over this country, across the rivers, the prairies, and the Rockies, through which these Federal funds flow to help the State governments to balance their budgets.

So this is the kind of groundwork that needs to be laid. The American people need to know about the pain that is involved, choices they will have to make.

I have heard Senators say: "Seventy-seven percent of the American people say they want a balanced-budget amendment to the Constitution. Why should we not give the people what they want? The American people want it; 77 percent—77 percent of the American people say they want a constitutional amendment to balance the budget. And why do we not give it to them?"

Mr. President, 77 percent of the American people are not saying that they want an amendment. Seventy-seven percent of the American people are saying they are concerned about the fiscal situation that confronts this country. The polls ask, do you favor a balanced-budget amendment? The people say, "Yes."

But we do not ask the questions in those polls: "Would you like to have your taxes raised? Would you like to have Social Security payments cut? Would you want to see veterans' pensions, veterans' compensation and other entitlements cut? Do you want military spending cut?" In each of these questions, the 77 percent would shrivel, Mr. President.

Do you want a balanced-budget amendment to the Constitution? Yes. Count me as one.

How about increasing your taxes? Well, I do not know about that. No, I do not want our taxes raised.

Well, you folks in the States that have big defense contracts, do you want to see a cut in military spending? That might mean fewer jobs. Well, I would have to think about that.

Now, 77 percent say they want a balanced budget amendment added to the Constitution. How about cutting Social Security? No. No. We can't have that, they would answer.

The press and the politicians need to understand that while 77 percent of the

American people may answer "Yes" to the pollster's questions whether they want a balanced budget amendment to the Constitution, that is not the long and the short of it. Give them their choices. What are your choices? What are you ready to sacrifice? Do you favor a tax increase? Should Social Security be cut back? Where are you prepared to give?

Mr. President, Marius was one of the great Roman generals, and it had been prophesied that he would be made consul seven times. He, indeed, became consul seven times. He only lived a few days after he was made consul the seventh time. But upon one occasion, he put himself under the surgeon's knife. He had wens, or benign tumors, on his legs. He was advised that he should have an operation. He forthwith put himself in the hands of the surgeon and under the surgeon's knife. There was no anesthesia in those days. Marius experienced excruciating pain from the operation on one of his legs.

Plutarch says that Marius never winced. There was no noticeable change in his facial expression as the surgeon used the knife. But after the surgeon had completed his work on one of Marius' legs and turned to the other, Marius said, no thanks, "The pain is not worth the cure."

And so it is with these polls. Seventy-seven percent of the American people say they want a balanced budget amendment; yet, here is this intransigent minority, a little handful of Senators, frustrating the American people who want a balanced budget amendment added to the Constitution. But, Mr. President, we are not asking the American people, What are your choices? Is the pain going to be worth the cure?

Mr. President, we do not need a balanced budget amendment to the Constitution. I am not saying the Constitution should never be amended in some particular. The Constitution, in article V, provides for its own amending. Jefferson said the people have a right to change their Constitution, to change their form of government. The process for its own amending was written into the Constitution by our framers.

But that is not what we should do here. We must not amend the Constitution in a way that could destroy the checks and balances and separation of powers, which are the very pillars on which this representative democracy rests.

Why doesn't the President simply send up a plan? He has the bully, bully pulpit. Let him send up a plan that indicates how the surgery will be performed, that lets us know and lets the American people know what the pain will be before the matter is subjected to the political surgeon's knife.

Let the President say where the pain will be. How much of an increase in

taxes will we have to have? And what taxes? How much of a cut in entitlements, and where will the cuts be made? How much of a cut in military spending is the President willing to make beyond the \$50 billion that he has indicated he is willing to make over a 5-year period, \$50 billion in budget authority and \$27 billion in outlays? Why not also cut foreign aid? A constitutional amendment to balance the budget would spare President Bush all political pain for the next 4 years, if he is reelected, after which, he could retire to Maine and sit in the old rocking chair or ride around in his speedboat or play golf. This is no criticism of that. Some people like to play golf, some like to play tennis, some like to watch TV, some like to booze it up and get drunk and go sleep it off and have a carryover headache the next morning. Some of us like to do other things, read history, whatever. But the President should send us up a plan, stop talking about a constitutional amendment to balance the budget, and spell out the details. If the President is going to beat the Congress over the head when it raises taxes, then Congress is not going to raise taxes to balance the budget unless we have him on board. He has to walk the plank with us, and then we do not clobber each other. The balanced budget amendment had its day in the other body and was shot down. Mr. Bush made that amendment an article of faith at the White House. That is gone now, blown out of the water. Now, the President should send us a plan.

He is the only individual in this country who is elected to lead; 535 Members cannot lead. I might try to lead, but there are 99 other Members of this body who also want to lead. He is the only individual who can lead; he was elected to lead; he was elected to be the President of the United States. If the President will lead, we will follow. If it involves pain, it must be pain across the board. The budget cannot be balanced entirely on the backs of the recipients of entitlements and mandatory programs. It cannot be balanced entirely by an increase in taxes. It cannot be balanced entirely through cuts in military spending. It is going to take some of all. But we need the President, and we need to lock arm in arm when we go out into the Rose Garden, and the President says, "Ladies and gentlemen, there is a lot of pain involved here, but we are walking this plank together. These Members of Congress—the Republican leadership, the Democratic leadership—and I, the big boy, bully pulpit, the man in the Oval Office, are all in this together. I am not going to clobber them; they are not going to clobber me. We are doing this for you, the American people, for your children and our children. This is for the future, this is for the country. We are forgetting about the Republican

Party. We are forgetting about the Democratic Party. I have a plan; this is it."

Now, if the President would send up that kind of plan and stop offering snake oil cures, but offer a plan that involves sacrifice and pain and is evenly balanced across the board, that is equally shared, certainly by some cuts in entitlements, foreign aid spending cuts, military spending cuts, and also some tax increases to balance the budget, then the American people would understand. This would not be a gimmick. They would understand that this involves pain.

But the balanced budget amendment involves no pain on its surface. It does not cost the taxpayers one thin dime. It does not cut one copper penny, one of the old Indian head pennies. It does not cut one out of any program—it is painless, orderless, tasteless, easy to swallow.

Mr. President, I thank my colleagues who were willing to take a stand against the balanced budget amendment to the Constitution, and I again congratulate Senator SIMON. I hope, if this matter ever comes up in the Senate again, he will suffer a change of heart on this matter. He will have time in the meantime to think it over and contemplate. We are all in the same boat together; he and I and our colleagues are all in it together when it comes to wanting to get these budget deficits down and under control. We have to do it. What is the approach? That is the question, and the President of the United States can lead the way.

(Mr. WELLSTONE assumed the chair.)

#### THE 77TH ANNIVERSARY OF THE SIGNING OF THE MAGNA CARTA

Mr. BYRD. Mr. President, June 15, may I point out, is the 77th anniversary of the signing of the Magna Carta. Seven hundred and seventy-seven years ago, in the year 1215 and June 15, King John put his name on the dotted line and signed the Magna Carta, the great charter of English liberty from which many of our own liberties, many of the clauses, phrases, and sentences in our own Constitution flow. So when we speak of our Constitution, our Constitution is not just 200 years old.

Wendell Phillips said, "All that is valuable in the United States Constitution is one thousand years old." Wendell Phillips had read his English history. That is what we are talking about tampering with here. We are talking about changing a system of government that was the dream of Montesquieu, and was the work of the constitutional framers. We are talking about a Constitution that had its roots far back into the misty centuries of English history.

Seven hundred and seventy-seven years ago the barons, in the meadow by

the Thames River at Runnymede, with their swords in their hands, standing behind King John said, "Do it!" And he did it. He signed the Magna Carta, the great charter of English liberty. We Americans owe much to the Anglo-Saxons and the Normans, the people of the British Isles, which was the motherland of many of our ancestors. Many of our liberties go back in straight lines to the great charters, the Petition of Rights, the English Bill of Rights, the Coronation Charter, the Magna Carta, various other documents and statutes and precedents that are embedded in the dusty pages of English history.

So let us remember on this weekend the Magna Carta. Let us also remember that the vote in the House of Representatives yesterday was but another thread in the fabric of history and that we own so very much to those English barons who were willing to pledge their own lives and their fortunes and their sacred honor when they took King John to the table, placed a pen in his hand and said, "Sign it! Do it!" And King John did it. The Magna Carta was reaffirmed in 1216, the very next year, and many times it has since been reaffirmed throughout the long and tortuous course of English history.

#### MESSAGES FROM THE HOUSE RECEIVED DURING THE RECESS

Under the authority of the order of January 3, 1991, the Secretary of the Senate, on June 11, 1992, during the recess of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bill and joint resolutions:

S. 756. An act to amend title 17, United States Code, the copyright renewal provisions, and for other purposes;

H.J. Res. 442. Joint resolution to designate July 5, 1992, through July 11, 1992, as "National Awareness Week for Life-Saving Techniques"; and

H.J. Res. 445. Joint resolution designating June 1992 as "National Scleroderma Awareness Month."

#### MESSAGES FROM THE HOUSE

At 11:40 a.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bills and joint resolution, in which it requests the concurrence of the Senate:

H.R. 3614. An act amending the Land Remote-Sensing Commercialization Act of 1984 to secure United States leadership in land remote-sensing by providing date continuity for the Landsat program and by establishing a new national landsat policy, and for other purposes;

H.R. 4342. An act to amend title 38, United States Code, to expand job assistance program for Vietnam era veterans, and for other purposes;

H.R. 4368. An act to amend title 38, United States Code, to extend eligibility for burial

in national cemeteries to persons who have 20 years of service creditable for retired pay as members of a reserve component of the Armed Forces, and for other purposes;

H.R. 5006. An act to authorize appropriations for fiscal year 1993 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year to the Armed Forces, and for other purposes;

H.R. 5260. An act to extend the emergency unemployment compensation program, to revise the trigger provisions contained in the extended unemployment compensation program, and for other purposes; and

H.J. Res. 320. Joint resolution authorizing the Government of the District of Columbia to establish, in the District of Columbia or its environs, a memorial to African-Americans who served with Union forces during the Civil War.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 232. A concurrent resolution calling on the leaders of the independent states of the former Soviet Union to take steps to implement all commitments on human rights, fundamental freedoms, and humanitarian cooperation contained in the Helsinki Final Act and other documents of the Conference on Security and Cooperation in Europe.

The message further announced that pursuant to section 303(c) of Public Law 101-549, the minority leader appoints Dr. Virginia V. Weldon of St. Louis, MO, as a member from private life of the Risk Assessment and Management Commission on the part of the House.

#### MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 3614. An act amending the Land Remote-Sensing Commercialization Act of 1984 to secure United States leadership in land remote-sensing by providing date continuity for the Landsat program and by establishing a new national landsat policy, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 4342. An act to amend title 38, United States Code, to expand job assistance program for Vietnam era veterans, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 4368. An act to amend title 38, United States Code, to extend eligibility for burial in national cemeteries to persons who have 20 years of service creditable for retired pay as members of a reserve component of the Armed Forces, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 5006. An act to authorize appropriations for fiscal year 1993 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; to the Committee on Armed Services.

H.R. 5260. An act to extend the emergency unemployment compensation program, to revise the trigger provisions contained in the extended unemployment compensation pro-

gram, and for other purposes; to the Committee on Finance.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 232. A concurrent resolution calling on the leaders of the independent states of the former Soviet Union to take steps to implement all commitments on human rights, fundamental freedoms, and humanitarian cooperation contained in the Helsinki Final Act and other documents of the Conference on Security and Cooperation in Europe; to the Committee on Foreign Relations.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-3413. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the annual report on security assistance program allocations for fiscal year 1992; to the Committee on Appropriations.

EC-3414. A communication from the Secretary of Transportation, transmitting, pursuant to law, the biennial report on the performance and condition of public mass transportation systems in the United States dated June 1992; to the Committee on Banking, Housing, and Urban Affairs.

EC-3415. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a pay-as-you-go status report; to the Committee on the Budget.

EC-3416. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report on H.R. 4990, an act rescinding certain budget authority; to the Committee on the Budget.

EC-3417. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the second and third annual reports of the Federal States of Micronesia on the receipt and expenditure of funds made available under the Compact of Free Association; to the Committee on Energy and Natural Resources.

EC-3418. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-3419. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, a report on human rights activities in Ethiopia for the period January 14-April 15, 1992; to the Committee on Foreign Relations.

EC-3420. A communication from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting, pursuant to law, a report on international agreements, other than treaties, entered into by the United States in the sixty day period prior to June 4, 1992; to the Committee on Foreign Relations.

EC-3421. A communication from the Chairman of the Production Credit Association Retirement Plan, transmitting, pursuant to law, the annual pension report of the First South Production Credit Association for the

plan year ended December 31, 1991; to the Committee on Governmental Affairs.

EC-3422. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, the semiannual report of the Office of Inspector General, National Aeronautics and Space Administration, for the period ended March 31, 1992; to the Committee on Governmental Affairs.

EC-3423. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-222 adopted by the Council on June 2, 1992; to the Committee on Governmental Affairs.

EC-3424. A communication from the Chairman of the Board of Directors of the Panama Canal Commission, transmitting, pursuant to law, the semiannual report of the Office of Inspector General, Panama Canal Commission, for the period ending March 31, 1992; to the Committee on Governmental Affairs.

EC-3425. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a list of reports issued by the General Accounting Office for the month of April 1992; to the Committee on Governmental Affairs.

EC-3426. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled "Review of Receipts and Disbursements of the Office of the Public Service Commission's Agency Trust Fund"; to the Committee on Governmental Affairs.

EC-3427. A communication from the Inspector General of the Office of Personnel Management, transmitting, pursuant to law, the semiannual report of the Office of Inspector General, Office of Personnel Management, for the period ended March 31, 1992; to the Committee on Governmental Affairs.

EC-3428. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of Council Resolution 9-262, a request for legal admission of Haitian refugees into the United States; to the Committee on Governmental Affairs.

EC-3429. A communication from the Assistant Attorney General (Legislative Affairs), transmitting a draft of proposed legislation to improve the administration of bankruptcy estates, and for other purposes; to the Committee on Governmental Affairs.

EC-3430. A communication from the Director of the Federal Bureau of Prisons, transmitting, pursuant to law, the annual report of the Board of Directors of Federal Prison Industries, Inc. for fiscal year 1991; to the Committee on the Judiciary.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. GLENN:

S. 2844. A bill to clear certain impediments to the licensing of a vessel for employment in the coastwise trade and fisheries of the United States; to the Committee on Commerce, Science, and Transportation.

By Mrs. KASSEBAUM:

S. 2845. A bill to require annual appropriations for all direct spending, including entitlement programs and excepting Social Security, and biannual authorizations for direct spending authority; to the Committee on the Budget and the Committee on Gov-

ernmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that when one Committee reports, the other Committee have thirty days to report or be discharged.

By Ms. MIKULSKI:

S. 2846. A bill to amend the Office of Federal Procurement Policy Act to provide for the participation of historically Black colleges and universities in federally funded research and development activities; to the Committee on Governmental Affairs.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GLENN:

S. 2844. A bill to clear certain impediments to the licensing of a vessel for employment in the coastwise trade and fisheries of the United States; to the Committee on Commerce, Science, and Transportation.

### REMOVAL OF IMPEDIMENTS TO LICENSING OF A CERTAIN VESSEL

• Mr. GLENN. Mr. President, today I am introducing a bill that will grant coastwise privileges to barge MM 262, a barge owned by Standard Lafarge Corp.

This barge was built, registered, operated, and refitted in the United States. In 1991, it was sold to a Canadian subsidiary of Lafarge. The barge was never documented or registered in Canada. Foreign ownership of the vessel prohibits the reregistration of the barge in the United States without the passage of this bill.

Lafarge is a U.S. corporation with extensive cement and aggregate operations on the Great Lakes. Lafarge has attempted on several occasions to hire a carrier for their cargo, but without success. Lafarge has immediate need for the barge, and seeks reregistration in the United States.

Tugs to pull the unmanned barge MM 262 would be chartered from U.S. Great Lakes Companies, adding to employment opportunities on the lakes. The barge would haul only proprietary cargo.

In closing, I urge that this request is given favorable consideration. •

By Mrs. KASSEBAUM:

S. 2845. A bill to require annual appropriations for all direct spending, including entitlement programs and excepting Social Security, and biannual authorizations for direct spending authority; pursuant to the order of August 4, 1977, referred jointly to the Committee on the Budget and the Committee on Governmental Affairs.

### DIRECT SPENDING AND ENTITLEMENT PROGRAM ACCOUNTABILITY ACT

Mrs. KASSEBAUM. Mr. President, I am here to speak on a matter regarding our own economy, and how our own budget shapes much of what we are able to do. There has been a lot of debate in the course of the past 2 weeks about whether we should adopt a constitutional amendment to balance the budget. There have been many of us

who have questioned whether a constitutional amendment to balance the budget really accomplished the fiscal responsibility that was necessary and that, as a matter of fact, it could be an illusion and take away from us the responsibility that ultimately only we have, in the House and the Senate, and in the executive branch as well, to present and adopt and follow a sound and sensible fiscal policy.

This year the Federal Government will spend approximately \$365 billion more than it will take in in revenue. It is a new record for deficit spending, and we are all very aware of that.

Public concern, of course, has grown increasingly, as it periodically has over the last 10 or 12 years, when all of a sudden we realize the deficit is growing and we do not seem to be able to do much about it.

Many people in this Chamber, as well as elsewhere, have believed the constitutional amendment was the solution. I think there is now an opportunity for us to show that we can take some concrete action that will, indeed, help us reach the goal.

We can do a lot of talking about the goals. We can do a lot of talking about a constitutional amendment. But if we are not really willing to take some of the necessary steps to help us get there, then I believe we have failed.

Given this background, I think it is clear at the very least Congress needs to reevaluate the way it spends taxpayers' money. In today's environment, all Federal spending programs should be carefully examined to determine if they are serving the purpose for which they were intended. If they are, fine. If they are not, then the programs should be revamped or eliminated.

With a stagnant deficit, we can no longer afford to spend money on programs, no matter how well intentioned, which are ineffective or unproductive.

Mr. President, the entitlement programs or the mandatory spending for these entitlement programs now account for approximately 50 percent of the Federal budget. Since entitlements are not subject to the annual appropriations process, these programs often receive minimal review by the Congress, and more and more we are trying to move more and more spending initiatives to entitlement programs by which you are automatically funded if you meet the necessary requirements, particularly income or age levels. In fact, because of the politically sensitive nature of many of these programs, most Members are even reluctant to question their operations.

If we are truly going to address our financial problems, Mr. President, I suggest we cannot continue to throw money blindly at these entitlement programs. Perhaps blindly is not the best word to use, because, clearly, if we are a recipient and a participant of this mandatory spending, we would regard it as very important, and much of it is.

The legislation I am introducing today, Mr. President, would require that all entitlement programs, except for Social Security, be subject to the appropriation process beginning in 1994. It would not be automatic, mandatory spending. It would revert back to the yearly appropriations process, which I argue would give us a better opportunity to more thoroughly review the programs, decide when, as a matter of fact, we may need to spend more and when we may need to spend less.

In addition, this legislation would require that these programs be reauthorized every 2 years. They would no longer be automatic entitlement and mandatory spending provisions.

Enactment of this legislation would force Congress periodically to evaluate each entitlement program to determine its value to a financially strapped nation. Programs which work can and should be continued and perhaps even expanded. However, programs that are not functioning as they were intended at the time they were initiated should not continue without modification. At a time when our Government is forced to borrow money just to pay its bills, I think we owe it to the American taxpayer to make sure Government spending programs are operating efficiently, and there is no way, Mr. President, I think we can do that on our entitlement programs unless we are willing to subject them to the authorization and appropriations process. In my opinion, the best way to make that determination on the effectiveness of those operations is to subject them to that scrutiny.

I realize, Mr. President, there is not going to be a growing list of enthusiastic cosponsors of this legislation, but I think if we are serious about what we need to do in a thoughtful fashion, to show that we can govern, to show that we are willing to genuinely undertake a sound and sensible fiscal policy, then it seems to me this is one way to get started.

Mr. DOLE. Mr. President, I thank my colleague from Kansas for a very fine statement, her typical courageous approach to a problem.

By Ms. MIKULSKI:

S. 2846. A bill to amend the Office of Federal Procurement Policy Act to provide for the participation of historically black colleges and universities in federally funded research and development activities; to the Committee on Governmental Affairs.

PARTICIPATION OF HISTORICALLY BLACK COLLEGES AND UNIVERSITIES IN FEDERALLY FUNDED RESEARCH AND DEVELOPMENT ACTIVITIES

• Ms. MIKULSKI. Mr. President, today I am introducing legislation that I believe is very important to this country's research and development activities.

This legislation is designed to include the participation of historically

black colleges and universities and nonprofit organizations in Federal research and development activities. These colleges have not benefited from such federally connected activity.

This bill requires that not less than five historically black colleges and universities [HBCU] be designated as federally funded research and development centers [FFRDC's]. This legislation will cost the Federal Government nothing to enact. It simply affords HBCU's the opportunity to contribute to America's research and development projects.

FFRDC's provide specialized research to the Government on a continuous basis in such areas as health, science, and defense. Most agree that HBCU's have not participated in the Federal procurement policy system the way they should. Yet, HBCU's have a great deal to contribute to our national goal of increasing America's knowledge and competitiveness in these areas.

In my own State of Maryland, the historically black colleges and universities are doing great things. As part of the space grant program, Morgan State University, in Baltimore, MD, is able to use its own expertise to provide space research to NASA as part of the NASA grant consortia. Morgan State has done an outstanding job through its involvement in the space grant. It has increased research opportunities for faculty and enhanced curriculum and course development in the areas of science and space technology. Because this program has been so successful, NASA will funnel its future needs for space research and information through Morgan State.

That's not all, Mr. President. At the University of Maryland Eastern Shore, they are working on a variety of research and development projects from textile testing of parachutes for NASA to a toxicology study on one type of diesel fuel for the National Institutes of Environmental Health Sciences, to studies done for USDA on the effects on insecticides polluting Chesapeake Bay and the molting of the blue crab. These are just examples of the great contributions historically black colleges and universities can make to our society.

To establish HBCU's as FFRDC's would allow these institutions to continue to make important contributions to society, and also to share equitably in the Federal resources available for scientific and technical research.

This legislation is not only important to this country's overall development, but it also provides an invaluable opportunity for students to work as research assistants for faculty members on Federal research projects. Students will have the opportunity to gain work experience inside and outside of the classroom because they will have the opportunity to monitor experiments out in the field and for data col-

lection. And finally, this exposure will fuel student interest in research and development and stimulate academic growth.

This bill not only ensures the participation of these important institutions, but it also provides for the development of future scholars as the students who attend these colleges and universities receive advanced higher level of learning.

I hope you will join me in cosponsoring this legislation to ensure that HBCU's are included as part of our national effort to achieve excellence in research and development. •

#### ADDITIONAL COSPONSORS

S. 709

At the request of Mr. HATCH, the name of the Senator from Kansas [Mr. DOLE] was added as a cosponsor of S. 709, a bill to amend the Internal Revenue Code to allow a deduction for qualified adoption expenses, and for other purposes.

S. 781

At the request of Mr. SARBANES, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of S. 781, a bill to authorize the Indian American Forum for Political Education to establish a memorial to Mahatma Gandhi in the District of Columbia.

S. 1361

At the request of Ms. MIKULSKI, the name of the Senator from Pennsylvania [Mr. WOFFORD] was added as a cosponsor of S. 1361, a bill to remedy the serious injury to the United States shipbuilding and repair industry caused by subsidized foreign ships.

S. 1476

At the request of Mr. DANFORTH, the name of the Senator from Arkansas [Mr. PRYOR] was added as a cosponsor of S. 1476, a bill to recognize the organization known as the Shepherd's Centers of America, Incorporated.

S. 2735

At the request of Mr. JOHNSTON, the name of the Senator from North Carolina [Mr. SANFORD] was added as a cosponsor of S. 2735, a bill to establish a national research program to improve the production and marketing of sweetpotatoes and increase the consumption and use of sweetpotatoes by domestic and foreign consumers.

S. 2736

At the request of Mr. LIEBERMAN, the name of the Senator from North Carolina [Mr. SANFORD] was added as a cosponsor of S. 2736, a bill to prohibit the Secretary of Health and Human Services from taking any action with respect to certain alleged violations of the requirements of title IV of the Social Security Act.

S. 2794

At the request of Mr. DOLE, the name of the Senator from Wyoming [Mr.

WALLOP] was added as a cosponsor of S. 2794, a bill to relieve the regulatory burden on depository institutions, particularly on small depository institutions, and for other purposes.

#### SENATE JOINT RESOLUTION 312

At the request of Mr. GORTON, the name of the Senator from California [Mr. SEYMOUR] was added as a cosponsor of Senate Joint Resolution 312, a joint resolution proposing an amendment to the Constitution to provide for a runoff election for the offices of the President and Vice President of the United States if no candidate receives a majority of the electoral college.

#### SENATE RESOLUTION 306

At the request of Mr. D'AMATO, his name was added as a cosponsor of Senate Resolution 306, a resolution relating to the enforcement of United Nations Security Council resolutions calling for the cessation of hostilities in the former territory of Yugoslavia.

### AMENDMENTS SUBMITTED

#### TRADEMARK REMEDY CLARIFICATION ACT

#### DECONCINI AMENDMENT NO. 2372

Mr. DECONCINI proposed an amendment to the bill (S. 759) to amend certain trademark laws to clarify that States, instrumentalities of States, and officers and employees of States acting in their official capacity, are subject to suit in Federal court by any person for infringement of trademarks, and that all the remedies can be obtained in such suit that can be obtained against a private entity, as follows:

On page 4, strike lines 7 and 8 and insert in lieu thereof the following:

- (1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;
- (2) by inserting "(1)" after "(a)"; and
- (3) by adding at the end thereof:

### ADDITIONAL STATEMENTS

#### THE DROUGHT IN SOUTHERN AFRICA

• Mr. LEAHY. Mr. President, southern Africa today is battling with the most severe drought in recent history. Food shortages are in the millions of tons, and the means to get emergency food and medicines to the needy are inadequate. The question is no longer whether people will starve, but how many. For a country like Mozambique which for a decade has been engulfed in a civil war that has devastated its own agriculture production, this drought is a disaster on top of a catastrophe.

But my purpose is not to dwell on the tragedy of yet another famine. Suffice it to say that there is enough food in

the world to prevent hunger—it is rather a matter of getting it to the hungry. We must do all we can to help these countries survive this disaster.

Rather, my purpose is to mention a bright side to this otherwise gloomy picture. Lately, the Agency for International Development has been the focus of severe criticism by Congress and the press. I have been very critical myself of persistent management and accountability problems at AID. However, the public also needs to know when AID is doing its job well, and its response to the southern Africa drought is one example.

When asked to describe AID's response to the drought in Mozambique, the head of that country's emergency relief effort said AID's contribution had been outstanding and fantastic. That is pretty high praise for what could only be described as a huge and complex effort to reach millions of people facing starvation in a country where much of the transport infrastructure has been destroyed by war. AID saw the drought coming and got its emergency relief program started early. Thousands of people who would have died were saved.

The drought is far from over and far more needs to be done throughout the southern Africa region to avert a famine that still threatens the lives of millions. As chairman of both the Foreign Operations Subcommittee and the Agriculture Committee I will do all I can to help AID get food and other relief supplies to the people who need it.

Many people disagree about the goals of our foreign aid program in the post-cold-war era. But I believe there is one thing we all agree on—that the United States has a moral responsibility to help prevent famine, whether in Africa, Asia or anywhere else. I commend AID for its efforts.♦

#### THE CRISIS IN THE BALKANS

• Mr. KERRY. Mr. President, yesterday morning, the Senate Foreign Relations Committee, on which I serve, approved a resolution sponsored by the junior Senator from Michigan, Senator LEVIN, urging the Secretary General of the United Nations to prepare to take the steps that might be necessary to bring peace to the former Republics of Yugoslavia.

It was not a vote to authorize military intervention; but it was a vote to serve warning that multilateral military intervention, undertaken strictly for peacemaking purposes, can no longer be ruled out.

Unlike natural disasters, the tragedy unfolding today in Bosnia-Herzegovina is strictly manmade. It is a product of hate and aggression on the part primarily of Serbian leaders, and of past timidity and confusion on the part of international observers. It has provided an early, and thus far, immensely dis-

appointing test of world peacekeeping capabilities following the conclusion of the cold war. It is also in the process of establishing a dangerous precedent regarding the use of force to settle both internal and international ethnic disputes.

Throughout the past year, Serbian President Slobodan Milosevic has repeatedly misled former United States Secretary of State Cyrus Vance and others engaged in international peace-keeping missions to the region. Over and over again, the world has been assured of Serbia's peaceful desires, of its interest in ceasefires, and of its benign intentions first toward Slovenia, then Croatia, and now Bosnia-Herzegovina. Each time, President Milosevic has lied, and each time, innocent civilians have died as a result of those lies. It is for these reasons that the weekly, sometimes almost daily announcements of temporary truces and ceasefires no longer provide a firm grounds for optimism or hope.

The fact is that President Milosevic and Bosnian Serb leader Radovan Karadzic have been perpetrating large-scale cold-blooded murder in Bosnia-Herzegovina and calling it self-defense. They have conjured up the myth that Bosnian Serbs are being persecuted in that Republic and that they are somehow defending Western civilization from a potential tidal wave of Islamic fundamentalism. In fact, they are carving up the one Republic in former Yugoslavia where a real commitment to interethnic cooperation had previously existed. And the sad reality is that the instances of brutality that have been directed against Serbs in this Republic—and there have been some—appear to have come as a reaction to Serbian aggression, and simply cannot be considered its cause.

I hope the entire world understands that Serbia's present leaders do not reflect the Serbian people, as a whole, nor do they do justice to the legitimate concerns raised by Serbians about interethnic violence in the past. President Milosevic and his allies have, through their deception and aggression, forfeited any claim to trust from former friends and adversaries alike. My strongest hope is that the steady erosion in domestic support for President Milosevic, which we have seen in the actions of the church and the Socialist Party of Yugoslavia in recent weeks, will grow stronger with each passing day.

The resolution approved yesterday by the Foreign Relations Committee recognizes the fact that both the United States, and the international community as a whole, have a responsibility to resist and oppose the forces in Belgrade. To date, we have been patient. We have relied on diplomacy. We have applied economic and political pressure. We have denounced the killing and the violence. But those steps have

not yet proven sufficient. Clearly, military intervention of any sort remains a last resort. Other options must continue to be explored. But we cannot stand on the sidelines indefinitely. We cannot pretend it does not matter. After all, the illusion that what happens in Sarajevo is irrelevant to what happens in the outside world should have been shattered 78 years ago.

It is an unfortunate reality that the Bush administration's reaction to events in Yugoslavia over the past year has been indecisive and generally ineffectual. The State Department was slow to recognize that Yugoslavia's breakup into separate Republics was an inevitable consequence of the end of Communist rule. The administration was slow to lend diplomatic support to Slovenian and Croatian claims for independence. And the United States has been inconsistent and confused in responding more recently to the brutal violence in Bosnia-Herzegovina. One day, we seem about to take the lead in mobilizing international opposition to the aggression; the next day we talk as if there is no hope for a solution and little point in trying to bring one about.

It is my hope, from this day forward, that there will be a determined and effective and united international response to events in Bosnia-Herzegovina and elsewhere in the Balkans. We should continue, as I have said, to look upon a military response as a last resort, but we should begin now to prepare for the possibility that a multilateral military intervention for humanitarian and peacemaking purposes will prove unavoidable. There is simply too much at stake for the United States or the United Nations to continue its passive role. The humanitarian stakes alone, the simple fact that thousands of innocent, peace-loving people are at risk for no good reason, requires that no effective option be ruled out.

We here in the United States should remember that we, perhaps more than any other country, have a stake in a stable and peaceful world order. If Serbia emerges from the current fighting with all its goals achieved, the precedent for future Serbias in other countries and other contexts will have been set. The United States is not all-powerful and we cannot police the world; but we remain by far the strongest military force on Earth and we have a capacity to influence international diplomatic and economic policy that is without equal. Even barring the possibility of direct American military intervention, there is a great deal we can do.

First, I hope the President will speak out personally on this issue. It is not enough for second- or third-tier officials at the State Department to express concern about the violence. The level of killing and the magnitude of suffering have long since reached the

point where Presidential involvement is urgently required.

Second, the President should continue making full use of the United Nations, the CSCE, world financial institutions and the international business community to put pressure on Serbia to change its ways. It is not enough to talk about the limitations of economic embargoes; the point is to try our best. The United Nations can make it plain, through a Security Council resolution, that the world will never accept, nor allow Serbia to profit from, the fruits of international aggression. The Serbian business community should understand that it will never have normal relations with the outside world as long as the present policies are pursued. And Serbian leaders should be warned that those who commit war crimes are liable to be prosecuted as war criminals, and that their official status may provide no long-term protection from personal accountability and punishment.

Finally, the President should work through the United Nations, in accordance with the Senate resolution, to develop a strategy and means for possible international humanitarian intervention in Bosnia-Herzegovina. The goal of such an intervention should not necessarily be to confront Serbian military forces or to impose a ceasefire. A less ambitious, but still important, goal would be simply to see that the International Red Cross and other humanitarian agencies are allowed to function, in accordance with international law, and that basic supplies are made available to people. The urgency of this goal has been underlined daily within the last 2 weeks as Red Cross and other emergency vehicles have come under fire while attempting to transport food and medicine to little children.

Mr. President, the difficulty of bringing peace to an area as far away and as ordinarily remote from American concerns as the Balkans does not absolve us from the need to act, nor does it eliminate our capacity to influence events. It is a cliché of history that all it takes for evil to prosper is for good men and women to do nothing. We have no guarantee that a more vigorous and aggressive policy toward Serbia and Bosnia-Herzegovina will succeed, but can be sure that the past policy of timidity and inaction will fail. The time has come to do more; to do all we can; and to press our allies and friends to join with us in an effort to stop the killing and start the healing in Bosnia and throughout the region.●

#### ORDERS FOR MONDAY, JUNE 15, 1992

Mr. BYRD. Mr. President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it stand

in recess until 2 p.m. on Monday, June 15; that following the prayer, the Journal of proceedings be deemed approved to date, and that the time for the two leaders be reserved for their use later in the day; provided further that there then be a period for morning business not to extend beyond 2:30 p.m., with Senators permitted to speak therein for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### RECESS UNTIL MONDAY, JUNE 15, 1992

Mr. BYRD. Mr. President, if there be no further business to come before the Senate, I move in accordance with the order previously entered that the Senate stand in recess until 2 p.m. on Monday, June 15.

The motion was agreed to, and the Senate, at 2:08 p.m., recessed until Monday, June 15, 1992, at 2 p.m.

#### CONFIRMATIONS

Executive Nominations Confirmed by the Senate June 12, 1992:

##### EXECUTIVE OFFICE OF THE PRESIDENT

Kay Coles James, of Virginia, to be Associate Director for National Drug Control Policy.

##### DEPARTMENT OF STATE

Marc Allen Baas, of Florida, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Ethiopia.

Lauralee M. Peters, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Sierra Leone.

Hume Alexander Horan, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Cote d'Ivoire.

Donald K. Petterson, of California, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of the Sudan.

Dennis P. Barrett, of Washington, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Democratic Republic of Madagascar.

Richard Goodwin Capen, Jr., of Florida, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Spain.

Roger A. McGuire, of Ohio, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Guinea-Bissau.

William Lacy Swing, of North Carolina a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Federal Republic of Nigeria.

Reginald Bartholomew, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Career Minister, to be the United States Permanent Representative on the Council of the North Atlantic Treaty Organization, with the rank and status of Ambassador Extraordinary and Plenipotentiary.

Adrian A. Basora, of New Hampshire, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Czech and Slovak Federal Republic.

Peter Barry Teeley, of Virginia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Canada.

Peter Jon de Vos, of Florida, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the United Republic of Tanzania.

Robert E. Gribbin III, of Alabama, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Central African Republic.

William Henry Gerald FitzGerald, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Ireland.

#### U.S. ADVISORY COMMISSION ON PUBLIC DIPLOMACY

Pamela J. Turner, of the District of Columbia, to be a Member of the U.S. Advisory Commission on Public Diplomacy for a term expiring July 1, 1995.

The above nominations were approved subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

#### GOVERNMENTAL AFFAIRS

Executive Order 12812, June 11, 1992. The President has declared that the

Executive Order 12812, June 11, 1992. The President has declared that the

Executive Order 12812, June 11, 1992. The President has declared that the

Executive Order 12812, June 11, 1992. The President has declared that the

Executive Order 12812, June 11, 1992. The President has declared that the

Executive Order 12812, June 11, 1992. The President has declared that the

Executive Order 12812, June 11, 1992. The President has declared that the

Executive Order 12812, June 11, 1992. The President has declared that the

Executive Order 12812, June 11, 1992. The President has declared that the

Executive Order 12812, June 11, 1992. The President has declared that the

Executive Order 12812, June 11, 1992. The President has declared that the

Executive Order 12812, June 11, 1992. The President has declared that the

Executive Order 12812, June 11, 1992. The President has declared that the

Executive Order 12812, June 11, 1992. The President has declared that the

Executive Order 12812, June 11, 1992. The President has declared that the

Executive Order 12812, June 11, 1992. The President has declared that the

Executive Order 12812, June 11, 1992. The President has declared that the

Executive Order 12812, June 11, 1992. The President has declared that the

Executive Order 12812, June 11, 1992. The President has declared that the

Executive Order 12812, June 11, 1992. The President has declared that the

Executive Order 12812, June 11, 1992. The President has declared that the

Executive Order 12812, June 11, 1992. The President has declared that the

Executive Order 12812, June 11, 1992. The President has declared that the

Executive Order 12812, June 11, 1992. The President has declared that the

Executive Order 12812, June 11, 1992. The President has declared that the

Executive Order 12812, June 11, 1992. The President has declared that the

Executive Order 12812, June 11, 1992. The President has declared that the

Executive Order 12812, June 11, 1992. The President has declared that the

Executive Order 12812, June 11, 1992. The President has declared that the

Executive Order 12812, June 11, 1992. The President has declared that the

Executive Order 12812, June 11, 1992. The President has declared that the

Executive Order 12812, June 11, 1992. The President has declared that the

Executive Order 12812, June 11, 1992. The President has declared that the

Executive Order 12812, June 11, 1992. The President has declared that the

Executive Order 12812, June 11, 1992. The President has declared that the

Executive Order 12812, June 11, 1992. The President has declared that the

Executive Order 12812, June 11, 1992. The President has declared that the

Executive Order 12812, June 11, 1992. The President has declared that the

Executive Order 12812, June 11, 1992. The President has declared that the

Executive Order 12812, June 11, 1992. The President has declared that the

Executive Order 12812, June 11, 1992. The President has declared that the